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Consulate

Havana

April 24

May 1, 1896

August 1, 1896

June 30 96

Secretary of State.
APR 27 1896

Copied for

Consulate General of the U. S.
Havana, April 24. 1896

INDEX BUREAU
REC'D.
APR 25 1896
DEPT. OF STATE

Rec'd 4.30 P.M

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

4.30 PM

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
17	a wu	25	Govt	Havana

RECEIVED at Washington DC Apl 24 1896

April 24 Assistant Secretary of State Washin DC
Superior Court yesterday quashed Charges against Sanguily of being concerned in Kidnapping Fernandez Castro

Williams
Consul General

[redacted]

[redacted]

de Rueda Jofré

R. O.

Secretary of State.
APR 27 1896

TELEGRAM RECEIVED.

INDEX BUREAU
REC'D.
APR 29 1896
DEPT. OF STATE

RECEIVED
DEPT. OF STATE
APR 21 11:00 AM 1896
CHF. CLKS. OFFICE

1 Mu

From Havana

apl 21, 1896.

Received 11. A M.

Assistant Secretary

of State,

Washington D.C.

Dygert released yesterday

by order of Governor

General

Williams,

Consul General.

Acknowledge

R.O.

ASSISTANT SECRETARY
APR 28 1896
DEPARTMENT OF STATE.

No. 2915.

U.S. Consulate General,
Habana, April 24, 1896.

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Ans. No. Number
Sept 30, 1896.

Answering Department's instruction No. 1334, of the 11th instant, relating to José Gonzalez.

Mr Whitehouse
Capt. McKenzie
Mr E
Mr Lee

2 Enclosures.

No. 2915.

U.S. Consulate General.
Habana, April 24, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instruction No. 1334, of the 11th instant, enclosing a letter, dated the 8th of same, from Mr. McUmber, of Philadelphia, stating that he is informed that José Gonzalez, a naturalized citizen of the United States has been condemned to death in Matanzas, Cuba, I now beg to enclose a copy of the communication I addressed the Captain General asking for information on the subject,

subject, and also a copy,
with translation, of his
2/ answer thereto stating that
nothing is found showing
that any citizen of the
United States has been
condemned to death.

I also beg to state that
under dates of the 10th and
15th instant I addressed Mr.
Brice, our Consul at Matanzas,
to the same effect, and that
on the 19th I received an
answer from him enclosing
copy of the communication of
the Governor of Matanzas replying,
in the same sense, to one
of Mr. Brice asking for in-
formation regarding Mr. José
Gonzalez.

I am, Sir, very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

2 Enclosures.

Enclosure No.1.

With Despatch No.2915.

H A B A N A , April 24,1896.

COPY. U.S.CONSULATE GENERAL.

HABANA, April 22,1896.

To His Excellency the Captain General of the

Island of Cuba.

Excellency:

In compliance with an instruction issued to-day from the Hon.Secretary of State of the United States stating that he had been informed by Mr.M.Neuber, of the city of Philadelphia, that his father in law Mr. JOSE GONZALEZ, a naturalized citizen of the United States, has been condemned to death in Matanzas, I have in consequence to ask Y.E.to please order that I be informed if such is the truth or not that I may at once answer the Honorable Secretary accordingly, since this office has no knowledge of the affair.

I am, etc.

(Signed) Ramon O.Williams,

Consul General.

Enclosure No.2

With Despatch No.2915.

H A B A N A , April 24,1896.

TRANSLATION.

CAPTAINCY GENERAL of the ARMY of the

ISLAND of CUBA.

GENERAL STAFF.

HABANA, 23 April, 1896.

To the consul general of the United States,

Present.

Sir:

Replying to your attentive communication of yesterday relating to the naturalized citizen of the United States JOSE GONZALEZ, said to have been condemned to death at Matanzas, I am pleased to inform you that from the antecedents existing here and the reports of the Military Governor of Matanzas, nothing is found showing that any citizen of the United States has been condemned to that sentence.

God guard you many years.

(Signed) VALERIANO WEYLER.

Enclosure No.2.

With Despatch No.2915.

H A B A N A , April 24,1896.

COPY.

EJERCITO de la ISLA DE CUBA.

CAPITANIA GENERAL.

ESTADO MAYOR.

Contestando al atento escrito de V.S.de ayer referente al ciudadano naturalizado en los Estados Unidos JOSE GONZALEZ, que dice haber sido condenado a la pena de muerte en Matanzas, me complazco en manifestarle que de los antecedentes que aqui existen y de los informes obtenidos del Gobernador Militar de dicho punto, no aparece noticia alguna de haber sido sentenciado a dicha pena ningun ciudadano americano.

Dios, etc. Habana, 23 Abril, 1896.

(Signed) VALERIANO WEYLER.

Sr.Consul Gral.de los Estados Unidos en esta capital.

A

No. 2916.

U. S. Consulate General,
Habana, April 24, 1896.

Rec'd

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Confirming telegram of
to-day reporting release of
Mr. Walter Crauch Dygert.

No. 2916.

U.S. Consulate General.
Habana, April 24, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Dygert released yesterday by order of Governor General."

I am, Sir,
Very respectfully,
Your obedient servant,
Lawr. O. Williams,
Consul General.

ASSISTANT SECRETARY
APR 28 1896
DEPARTMENT OF STATE.

Secretary of State.
MAY 2 1896

No. 2917.

U.S. Consulate General.
Habana, April 24, 1896.

INDEX BUREAU
REC'D
APR 28 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Tels

Submitting communication from Governor General in relation to the case of Dr José Manuel Delgado.

1 Enclosure.

No. 2917.

U. S. Consulate General
Habana, April 24, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

With reference to the Department's telegraphic instruction of the 17th ultimo, confirmed in its number 1318 of the 30th of same, directing me to present the proper complaint before the Superior Authority of this Island in the case of Dr. José Manuel Delgado, and to my despatch No. 2841 of the 28th ultimo submitting copy, with translation, of the communication I addressed to the Governor and Captain General in compliance with

the

the said instruction, I now beg to enclose copy, with translation, of the communication received today from that Authority, the perusal of which I respectfully commend to the Department.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

1 Enclosure.
No. 1 - The Governor and Captain General to Mr. Williams, April 18.

Enclosure No.1.

With Despatch No. 2917.

H A B A N A , April 24,1896.

TRANSLATION.- By CONSUL GENERAL WILLIAMS.

GENERAL GOVERNMENT of the ISLAND of CUBA.

OFFICE of the SECRETARY.
HABANA,18 April,1896.

To the consul general of the United States,

Present.

Sir:

His Excellency the Captain General,in a communication of the 10th instant,says to His Excellency the Governor General as follows:

"Excellency: The perusal of the communication of "the consul of the United States of America that "you have been pleased to transmit me has caused "me profound regret,not only for the act therein "denounced,but also because of the appreciations "he makes respecting the conduct he attributes to "a general of brigade.

"I cannot and must not form judgement as done "by the consul,of the responsibility incurred by "General MELGUIZO ,first because a simple accusa- "tion is not sufficient for it,and second because "it corresponds solely to the courts of justice, "upon ascertainment of the facts through a criminal "proceeding,to make application of the law.

"This proceeding has been commenced two days "ago in ascertainment of the crime denounced and "the persons responsible for it, for I am decided "to strictly fulfill the laws and without the "necessity of excitement for it, of which the consul "is surely satisfied, and that I would not do other- "wise when treating of the citizens of a country "which cannot doubt the loyalty with which Spain "always complies with her treaties.

The above is transmitted to you for your information by order of His Excellency in reply to your communication of the 26th ultimo.

God guard you many years.

(Signed) EL MARQUES de PALMEROLA.

Enclosure No.1.

With Despatch No.2917.

H A B A N A , April 24,1896.

COPY.

GOBIERNO GENERAL de la ISLA de CUBA.

SECRETARIA GENERAL.

El Excmo.Sr.Capitan General,en comon.fecha 10 del que rije,dice al Excmo.Sr.Gobernador General lo siguiente:

"Excmo.Sr.: Profundo sentimiento me ha causado "la lectura de la comon.del Sr.Consul de los Estados "Unidos de America,que se sirve trasladarme,no solo "por el hecho que en ella denuncia,sino tambien "por las apreciaciones que hace respecto a la con- "ducta que atribuye a un general de brigada.

"No puedo ni debo formar juicio como lo hace "el Sr.Consul de la responsabilidad en que haya "incurrido el Sr.General MELGUIZO,lo primero porque "no basta una simple denuncia para ello,y lo segundo "porque solo a los tribunales de justicia corres- "ponde,previo esclarecimiento de los hechos en un "procedimiento criminal,hacer aplicacion de la ley. "Ya se ha iniciado hace dos dias dicho procedimiento "en averiguacion del delito denunciado y personas "responsables de el,pues me hallo decidido a que "las leyes se cumplan estrictamente y sin necesidad "de excitacion para ello,de lo que seguramente esta- "ra penetrado el citado Sr.Consul y no habria de

"observar distinto proceder al tratarse de ciuda-
"danos de un pais que no puede poner en duda la
"lealtad con que Espana cumple siempre sus trata-
"dos".

Lo que de orden de S.E.tengo el honor de trasla-
dar a V.S.para su conocimiento y como rsultado de su
escrito fecha 26 del mes proximo pasado.

Dios etc. Habana 18 Abril,1896.

(Signed) EL MARQUES PALMEROLA.

Sr.Consul general de los Estados Unidos en esta capital.

Pr.

BUR. OF STATISTICS
ACKNOWLEDGED
APR 30 1896

No. 2918.

U. S. Consulate General.

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

Habana, April 24, 1896.

REPORT FILED IN
Bureau of Statistics,
FOR PUBLICATION.

Mr. Williams,

to the

Department of State

Enclosing a comparative statement showing the exports of Cuba to the United States during the first quarter of the years 1895 and 1896.

Economic condition of Cuba

Secretary of State.
APR 29 1896

ASSISTANT SECRETARY
APR 30 1896
DEPARTMENT OF STATE.

No. 2919.

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, April 24, 1896.

Mr Williams

acknd May 1.

to the

Department of State

Returned to file R.O.

Proclamation issued yesterday by the Captain General offering pardon to the insurgents of the province of Pinar del Rio on surrendering with and without arms.

1 Enclosure

No. 2919.

U. S. Consulate General.
Habana, April 24, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to enclose for the information of the Department a copy, with translation, of the proclamation of the Governor and Captain General of this Island declaring that the insurgents in the Province of Pinar del Rio, will be pardoned on surrendering themselves with and without arms within the term of twenty days, counting from yesterday the 23d instant. 1/

I am,
Sir,

Sir,
Very respectfully,
Your obedient servant,
Lamm O. Killam
Consul General.

1 Enclosure:
No. 1 - Proclamation referred to.

Enclosure No.1.

With Despatch No.2919.

H A B A N A , April 24,1896.

TRANSLATED by CONSUL GENERAL WILLIAMS.

---o---

From THE GAZETTE of Habana, April 24,1896.

---o---

PROCLAMATION.

DON VALERIANO WEYLER Y NICOLAU, MARQUIS of TENERIFE, Governor and Captain General of the Island of Cuba, and General-in-chief of this Army, etc., etc.

It having reached my knowledge that the insurgent bands existing in the province of Pinar del Rio, being discouraged by the insuperable obstacles they encounter, some to pass the military line from Mariel to Majana, and all from their constant pursuit by our troops, of whose clemency and generosity they do not avail themselves because of the false rumors spread among them that they will be shot if they surrender on pardon. Therefore,

I ORDER and COMMAND :

First:- The leaders who within the term of twenty days, counting from this date, shall present themselves

in said province with the forces under their command and the fire arms they may have, will be at once pardoned.

Second:- Those who are not leaders and shall surrender with the same kind of arms, within the given term, will also be pardoned.

Third:- Those who may present themselves without arms will likewise be pardoned, but in this case the military authorities will designate their place of residence in the Island.

Fourth:- The surrender must be made to the military authorities, or columns in operations.

HABANA, 23 April, 1896.

VALERIANO WEYLER.

Enclosure No. 1
With Despatch No. 2919.
Habana, April 24, 1896.

GACETA DE LA HABANA

Viernes 24 de Abril de 1896

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

BANDO

DON VALERIANO WEYLER Y NICOLAU, Marqués de Tenerife, Gobernador Capitán General de la isla de Cuba y General en Jefe de este Ejército, etc., etc.

Habiendo llegado á mi conocimiento que las partidas rebeldes que existen en la provincia de Pinar del Río, desalentadas en vista de los insuperables obstáculos que encuentran, unas para franquear la línea militar de Mariel á Majana, y todas por la constante persecución de nuestras tropas, no se acojen á su clemencia y generosidad, por el falso rumor entre ellas esparcido de que serían pasados por las armas los individuos que se presenten á indulto

ORDENO Y MANDO

1º Los cabecillas que en el plazo de veinte días, contados desde la fecha, se presentaren en dicha provincia con las fuerzas de su mando y las armas de fuego que tuvieren, serán desde luego indultados.

2º Los que no siendo cabecillas hicieren su presentación con la misma clase de armas, en igual plazo, lo serán también.

3º Los que se presenten sin armas quedarán indultados, pero las Autoridades militares les fijarán punto de residencia en la Isla.

4º La presentación habrá de hacerse á las Autoridades militares, ó columnas en operaciones.

Habana, 23 de Abril de 1896.

Valeriano Weyler.

Copy rec'd for C

No. 2920.

U.S. Consulate General
Habana, April 24, 1896.

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

Jm

Mr Williams
to the
Department of State.

Confirming telegram of to-day relating to Mr. Julio Sanguily.

No. 2920.

U. S. Consulate General.
Habana, April 24, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

I beg to confirm my telegram of to-day reading:

"Superior Court
"yesterday quashed charges
"against Sanguily of
"being concerned in kid-
"napping Fernandez de
"Castro."

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

Habana,
April 25. 1896.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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THOS. T. ECKERT, President and General Manager.

RECEIVED APR 27 1896 ASSISTANT SECRETARY

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U.S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
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BRISTOL: Backhall Chambers.

Rec'd 4.32 PM
Habana.
Sept. 25, 1896.

NUMBER	SENT BY	REC'D BY	NO. OF WORDS.	FROM
03	Cauz Lg		24	U S Govt Havana

RECEIVED at Washington DC Apl 25 1896

Apr 25-96

Assistant Secretary of State
Washn DC

Have just sent Dygert by steamer to Tampa he desires you to please inform representative Hopkins of his departure

Williams Consul General

To Madrid
May 5 96

No. 2921. Mr Taft

ASSISTANT SECRETARY
APR 28 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
APR 28 1896
DEPT. OF STATE

U. S. Consulate General.

Havana, April 25 1896.

Mr. Williams

To the

Department of State.

Answ'd July 21.

Transmitting claim against the Spanish Government, presented by Mr Andres L. Terry.

One enclosure.

Claimant is said to be a naturalized citizen of the U.S. residing in Paris.

No cert. of naturalization is presented, nor any evidence in support of his statement that he has suffered $334000 damages —

No. 2921.

U. S. Consulate General.

Havana, April 25th 1896.

Hon: W. W. Rockhill.

Assistant Secretary of State.

Washington.

D.C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Andres A. Jerry, attorney of Mr Andres L. Jerry a citizen of the United States residing in Paris, in which is embodied a claim against the Spanish Government,

for the amount of three hundred and thirty four thousand nine hundred and five dollars, for losses, damages, and injuries to his property and interests in this Island.

I am, Sir,

Very respectfully

Your obt servant

Sam. S. Williams,

Consul General.

Enclosure:

Claim presented by Mr. Andres L. Terry.

Enclosure No.1.

With Despatch No.

H A B A N A , April 25th,1896.

COPY.

HABANA, April 24th,1896.

Ramon O.Williams,Esquire.

Consul General of the United States.

HABANA.

Sir:

The undersigned,ANDRES L.TERRY y DORTICOS,a citizen of the United States,now residing in Paris,by his son and attorney,ANDRES A.TERRY y GUTIERREZ, respectfully represents :

that he is a native of the Island of Cuba; 55 years of age;married; planter and proprietor,and a citizen of the United States,having acquired such citizenship by naturalization in the Superior Court of the City of New York,on the 4th day of September,1888,and that he is for the present a resident of the city of Paris;

that he is the owner of certain landed properties which he has acquired by purchase,situated in the Island of Cuba,and especially of the sugar estate or plantation,known as the "CENTRAL CAYAJABO",situated in Madruga,in the district of Guines,Province of Habana,of which the title deeds,inventory and valuation by appraisement have been duly recorded in the RECORD BOOK of the United States Consulate General

at Habana, under date of the 20th of January last, as certified to by the Consul General of the United States in a certificate issued under same date and signed Ramon O. Williams, United States Consul General.

that during the past year of 1895 the deponent made heavy expenses on said estate, to put it into order, repair and improve the machinery and sugar making apparatus, making advance payments of salaries and wages to farm employees and laborers, and payments in advance to a large amount to those "colonos" or farm tenants with whom he had contracted for sugar cane to be furnished to the Central, or usine, under the assurances officially given by the Spanish Government that the present crop of 1895-96, would be made, but which by reason of the present state of affairs of the Island brought about by those in revolt against the Government, the insurgents, and the lack of protection afforded him by the Spanish Government, he has been forced to abandon the idea of securing; that although he did commence grinding, yet for the said lack of protection which he should have received from the Spanish Government, he was obliged to suspend operations, and since, totally abandon all idea of being able to make any further part of the crop of the present season; and that he has thereby lost the services of his farm hands and laborers, whom he has been obliged to keep and continue the payment of salaries and wages; and to lose also the heavy advances made by him to the colonos, which may

be at once considered a total loss, from the fact that the repayment of same was dependent on the production of sugar cane and the possibility of taking of the present crop.

THEREFORE the deponent considers that he has received losses and damages to his property and interests to the following extent:-

By reason of the facts herein set forth, he estimates that he has lost the present crop, to the equivalent of 30,000 bags of sugar, the equivalent of 9,375,000 lbs, or 4687 1/2 tons, which at .75 cts or 6 rials per arroba, would be; . . . $ 281,250.

That there are now upon the estate about 370 bags of sugar, which it is utterly impossible to market, as he is prevented and impeded by the existing affairs; valued at . . . . . " 3,275.-

Also 40 pipes of alcohol, 175 gallons each, at $70. per pipe; . . . . . " 2,800.

1,000 hhds of molasses in the tanks, which were intended to be made into alcohol, about 300 pipes of alcohol, 175 gallons each, at $70. . " 21,000.

Also the amount due the deponent from the colonos which it is reasonable to believe would have been paid and settled for, had the crop been taken off, but may now be considered a total loss, say: $ 26,580.

Total amount; $334,905.-

Three hundred and thirty four thousand nine hundred and five dollars.-

WHEREFORE the aforesaid deponent doth hereby solemnly protest against all the losses, damages and injuries that have happened to him and his interests, and from which he has suffered, is suffering and may hereafter suffer by reason of the present state of affairs in this Island, and the lack of protection from the Spanish Government in this Island, and doth declare that the same are and ought to be borne by the said Spanish Government, the same having occurred as herein stated and not by or through any fault or neglect on the part of this deponent; and he believes that he is entitled to receive therefor an indemnity from the said Government of Spain in this Island, and he doth hereby make formal demand and claim for an amount equal to the loss that has been occasioned to him, with interest thereon till time of payment at 6 % per annum, and such further relief as may be accorded him.--

(Signed) ANDRES L. TERRY y DORTICOS,
by his son and attorney,
(Signed) ANDRES A. TERRY y GUTIERREZ.-

-----o-----

CONSULATE GENERAL of the UNITED STATES .

HABANA, CUBA.-

BE IT KNOWN, that on this day, personally appeared before me, the undersigned, Consul General of the United States of America, Mr. ANDRES A TERRY y GUTIERREZ, to me personally known, and known to me to

be the attorney of Mr. ANDRES L. TERRY y DORTICOS, as appears by the powers of attorney executed in Paris on the 1st August and 6th November, 1894, before the Vice Consul of Spain, in his favor by said ANDRES L. TERRY y DORTICOS, protocoled on the 15th September, 1894 and 9th January, 1895, before the Notary Public of this city, Don ALEJANDRO NUNEZ, of which he hath exhibited to me duly authenticated and legalized copies; and subscribed the foregoing document, which is of the nature of a protest and claim for indemnity against the Spanish Government, in the name of his said father, the claimant, and being by me duly sworn, did declare that the facts therein set forth are true.-- WITNESS my hand and the seal of this Consulate General at HABANA, this twenty fourth day of April, 1896.

(Seal.)

(Signed) RAMON O. WILLIAMS.

Consul General.

-----o-----

A true copy:

Ramon O. Williams,

Consul General.

-----o-----

Copy.

Secretary of State.
APR 29 1896

Confidential.
No. 2922.

Rcvd May 4

INDEX BUREAU
REC'D.
MAY 1 1896
DEPT. OF STATE

U.S. Consulate General
Habana, April 25, 1896.

Mr. Williams
to the
Department of State.

Acknowledge & file.
R. O.

Economic condition of Cuba.

Submitting a slip, with translation, from El Diario de la Marina, the organ of the reform party of this Island.

1 Enclosure.

Confidential.
No. 2922.

U. S. Consulate General.
Havana, April 25, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to submit for the information of the Department a clipping, with translation, of an editorial taken from El Diario de la Marina, the organ of the reform party of this island, and published in its issue of the 22d instant: on the decline of Cuba's revenues from import duties, the destruction of the wealth of the island by the insurgents, the necessity of the repeal of the

the law of commercial relations between the colonies and mother country, which is some times called the law of the funnel.

This editorial is suggestive of the terrible destitution logically and lamentably in Store for the good people of Cuba; from the accumulative effects of the long timed application of the colonial system of partial protection to which the commerce of the island has been subjected.

I am, Sir,
Very respectfully,
Your obedient Servant,
Jam. O. Williams,
Consul General.

1 Enclosure:
No. 1 - Slip, with translation, referred to.

CONFIDENTIAL.

Enclosure No.1.

With Despatch No. 2922.

H A B A N A , April 25,1896.

TRANSLATED by CONSUL GENERAL WILLIAMS.

---o---

From EL DIARIO DE LA MARINA of HABANA, April 22,1896.

---o---

OUR REVENUES FROM IMPORT DUTIES.

A telegraphic despatch dated the 20th instant at Madrid says that:

"The Minister of the Colonies is uneasy over "the decline taken place in the revenues from "imports in the custom houses of the island of "Cuba, and is endeavoring to devise means to increase "their sum to $17.000.000.

The uneasiness of the Minister is quite justified; but if he will study the causes of the decline, and exert himself to remove them, he will perhaps find means to increase the income from import duties, so that they may come fully up to the sum of seventeen millions of dollars.

The causes of the decline are: first, the present state of the insurrection; and second, the Law of Com-

mercial Relations.

(1) The insurrection that is now devastating our fields has prevented the making of the greater part of our sugar crop; to such an extent that instead of the one million of tons of sugar, to which the efforts of our planters had raised it, scarcely one hundred thousand tons will be made this year. That is to say, the insurrection deprives us this year of ninety per cent of our principal crop; and, approximately, an equal loss is suffered by the people in all other branches of their commerce springing from their agricultural and industrial pursuits.

Indeed, the economic construction of Cuba presents the phenomenon common to all colonies held in exploitation, of nearly all it produces having to be exported; and in like measure all it consumes having to be imported. Therefore, our customary products being reduced to ten per cent of what they were before, their purchasing power is reduced accordingly, and our imports must decrease in the same ratio; and if they have not gotten down to that yet, it is because of the orders given ahead by our importers; and also because the insurrection has created some special demands that have to be supplied, thereby favoring the import trade to some extent.

It cannot be ignored that the Government is employ-

ing means for the suppression of this cursed insurrection which is causing such great damages; but it must be remembered that Mr. Sagasta, and other distinguished leaders of the liberal party in Spain, as also the principal newspapers of Madrid, have expressed the idea, that notwithstanding the energy and rigor of the efforts of the Army, prudent and skillful political action can and ought to be employed for the weakening of the insurrection, for the rewarding of the loyalty of the immense majority of the inhabitants of Cuba, to thus demonstrate that the present Administration intends to fulfill the promises made, for the extirpation of abuses serving as germs of future disturbances, to satisfy the public necessities, and above all to satisfy the foreign governments and press that the accusation that Spain is refractory to the ideas and theories of modern science, is false, completely false, with respect to the system under which it governs its West Indian Colonies.

Regarding the proposition of combining political with military action for the speedy termination of the rebellion that is ruining the property, industry and commerce of this island, we must now allude to the new testimony in its favor, published by us yesterday, in the letter of our New York correspondent who says:

"I firmly believe, and I have heard many good "spaniards here, who observe with interest the "course events are taking in Cuba, express the same

"opinion, that the establishment of reforms would be "a fatal blow to the insurrection, etc."

And we commit no indiscretion in saying that our intelligent correspondent in New York, D. Arturo Cuyas, is a distinguished member of the Spanish colony of New York, and president of an association of our countrymen in that imperial city, and a person enjoying the confidence of Sr. Dupuy de Lome, to the extent of justifying the supposition that in some particulars he reflects the opinions of our distinguished diplomatist.

(2) With respect to the Law of Commercial Relations shall we to repeat the arguments already employed by us a hundred times to demonstrate the necessity of its repeal, and again show how it is taking from us the foreign markets, and how at the same time it deprives our custom-houses of their legitimate income from customs, favors unjust monopoly and fraud to such a scandalous extent that it is called in Spain the "Law of the Funnel" by those who advocate a just and reciprocal trade between the Colonies and the Mother Country?

----------o----------

Enclosure No. 1
With Despatch No. 2922.
Habana, April 25, 1896

DIARIO DE LA MARINA.

MIERCOLES 22 DE ABRIL DE 1896.

LA RENTA DE ADUANAS

"El Ministro de Ultramar se preocupa mucho de la disminución en la renta de Aduanas de la isla de Cuba, y busca la manera de elevarla, siquiera hasta diez y siete millones de pesos".

Así dice un despacho telegráfico de Madrid, del 20 de los corrientes.

Razón sobrada tiene el Sr. Ministro para dejarse dominar por esa preocupación; pero si estudia las causas de la baja, y se afana por removerlas, quizás encontrará medios de dar á esos ingresos la elasticidad necesaria, á fin de que alcancen holgadamente el monto de diez y siete millones de pesos.

Las causas de la baja son: 1ª la estado de insurreción; y 2ª la ley de Relaciones Comerciales.

La insurrección que devasta nuestros campos ha impedido la zafra en la mayor parte de ellos; de tal suerte que en vez de un millón de toneladas de azúcar, á que la laboriosidad de nuestros hacendados había elevado la producción azucarera de Cuba, apenas se cosecharán cien mil toneladas en este año. Es decir que la insurrección nos priva del noventa por ciento de nuestro principal fruto: pérdida que equivale aproximadamente á las que en exacta proporción experimentamos en todos los demás productos nuestros, así agrícolas como fabriles.

Ahora bien; la constitución económica de Cuba ofrece el fenómeno, comúu á todas las colonias llamadas de *explotación*, de que cuanto se produce está destinado, con corta diferencia, á exportarse; y casi todo lo que se consume proviene de la importación. De manera que, reducidos hoy nuestros productos habituales á un diez por ciento de lo que antes eran, las importaciones habían de bajar en la misma proporción, y si todavía no han disminuído tanto, esto se debe á que nuestro comercio tiene que hacer frente á anteriores pedidos; aparte de que la insurrección también crea necesidades especiales, que en algún modo favorecen el comer de importación.

No puede desconocerse que el Gobierno emplea medios poderosos para sofocar esta maldita insurrección que tantos y tan granves daños nos está causando; pero fuerza será recordar que el señor Sagasta, y otros personajes conspícuos del partido liberal de la Península, así como los principales periódicos de Madrid, han emitido la idea de que, sin perjuicio de las energías y aun de los rigores de la acción militar, puede y debe emplearse una PRUDENTE y hábil acción política, para restar fuerzas á la insurrección, para premiar la lealtad de la inmensa mayoría de los habitantes de Cuba, para demostrar que el actual gobierno intenta cumplir las promesas formuladas, para extirpar abusos y gérmenes de futuros disturbios, para dar satisfacción á las necesidades públicas y, sobre todo, para demostrar á algunos gobiernos y periódicos extranjeros que es falsa, completamente falsa la inculpación de que España es refractaria á las ideas y á las teorías de la ciencia moderna, en cuanto se relaciona con la gobernación de las colonias.

Acerca de todo esto cúmplenos aludir ahora á un nuevo testimonio en favor del propósito de combinar la acción política con la militar, para poner pronto término á la funesta rebelión que arruina la propiedad, la industria y el comercio en esta isla. En la carta de Nueva York que ayer hemos publicado, dice nuestro corresponsal: "Creo firmemente, y *á muchos buenos españoles que desde aquí seguimos con interés el curso de los sucesos en Cuba les he oido expresar la misma opinión*, que el planteamiento de las reformas sería un golpe funesto para la causa insurrecta" etc. Y no cometemos indiscreción alguna al exponer que nuestro ilustrado corresponsal de Nueva York, D. Arturo Cuyás es un miembro muy distinguido de la colonia española de Nueva York, el presidente de una asociación de compatriotas nuestros en la ciudad imperial, y persona de toda la confianza del Sr. Dupuy de Lome, hasta el punto de que puede suponerse que en algunos particulares refleja las opiniones de ese distinguido diplomático.

En cuanto á la ley de Relaciones Comerciales ¿necesitaremos por ventura repetir los argumentos cien veces empleados para demostrar la absoluta necesidad de derogar esa medida legislativa, que excluye de hecho de nuestros mercados el comercio extranjero, que priva á nuestras aduanas de pingües ingresos, que constituye un monopolio injusto, que favorece el fraude, y que allá mismo en la Península es designada por los partidarios del *cabotaje á palo seco* con el nombre de la *ley del embudo*? ¿Necesitaremos insistir de nuevo en la pretensión de que se haga por fin *esa reforma arancelaria*, que según los compromisos contraídos por el Gobierno,

debió quedar hecha desde 1893? No lo creemos; pero nos ha causado una dolorosa impresión la lectura de otro telégrama de nuestro servicio particular, que en 20 de los corrientes decía así:—"Los periódicos de mayor circulación hacen indicaciones para averiguar cuando se publicarán los nuevos aranceles de Cuba y Puerto Rico.—El Ministro de Ultramar se muestra reservado acerca de esta cuestión, y sólo manifiesta que todavía no puede fijar la fecha de dicha publicación."

Lo repetimos. Si el señor Ministro desea elevar la renta de aduanas *siquiera* hasta diez y siete millones de pesos, puede comenzar haciendo la reforma arancelaria, y adoptando algunas otras medidas que equivalgan á demostrar que, sin detrimento de los saludables efectos de los planes militares, la acción política tiende también á favorecer en esta Antilla una era de paz, de justicia y de sosiego, dando expansión á la industria y al comercio y desarrollo á la propiedad.

4

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2923.

INDEX BUREAU
REC'D.
MAY 4 1896
DEPT. OF STATE

U.S. Consulate General
Habana, April 25, 1896

Jrw

Mr. Williams
to the
Department of State.

Release and departure
for Tampa, Florida, of Mrs.
Walter Grant Dygert.

1 Enclosure.

No. 2923.

U.S. Consulate General.
Habana, April 25, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch No. 2916 of yesterday and to previous correspondence in relation to Mr. Walter Grant Diggett, arrested by a column of the Spanish army on the 22d of February last between the town of Guiñes and La Catalina, on suspicion of being an insurgent, I do have the honor to enclose you a copy, with translation, of a communication received under

under the date of yesterday from the Political Secretary informing me of the quashlment of proceedings in the case and of the order for the expulsion of Dygert.

Accordingly, Dygert being without funds I have ordered meals and lodging to be furnished him since the night of the 23rd instant till this morning, and with second class passage by the steamer "Mascotte" which sailed from here at 1 P.M. today for Tampa, Florida. On his departure I telegraphed you as follows:

Probably 5 meals & 2 nights lodging

"Have just
"sent Dygert by
"steamer to Tampa.
"He desires you to
"please inform
representative

"representative Hopkins
"of his departure."

I am, Sir,
Very respectfully,
Your obedient servant,
Lawrence O. Williams,
Consul General.

1 Enclosure.
No. 1 - Copy and translation of
Communication referred to.

Enclosure No.1

With Despatch No.2923.

H A B A N A ,April 25,1896.

TRANSLATED by CONSUL GENERAL WILLIAMS.

---o---

GENERAL GOVERNMENT of the ISLAND of CUBA.

OFFICE of the SECRETARY.

HABANA, 24 April,1896.

To the consul general of the United States,

Present.

Sir:

His Excellency the Captain General,under the date of yesterday,writes to His Excellency the Governor General as follows:

"Excellency:

"By decree of this date I have ordered the "provisional quashment of the proceedings in the "case under examination against the American "citizen Walter Grant Dygert,made prisoner by a "column of the Army,between Guines and Catalina "on the 22nd of last February,ordering at the same "time his release.

"As the presence of this individual at the "place where he was detained makes him suspicious, "and for the reasons expressed by the Judge Advocate

"in his opinion, of which I accompany a copy, I have "considered it proper to call the attention of Y.E. "to the fact for in case you should esteem it con- "venient to adopt the executive measure proposed "in the same opinion, since the longer permanence "of this individual in the Island might be preju- "dicial thereby making his expulsion necessary; in "which understanding, his transfer has been made "from Guines to the police headquarters of this "capital, where he will be notified of the quashment "of the proceedings against him and of his release".

And H.E. having by decree of this date ordered that the said Mr. Walter Grant Dygert be expelled from this Island, by his direction I have the honor to inform you accordingly, telling you at the same time that instructions to this effect have been issued to the Civil Governor of Havana for the carrying out of this order, with your knowledge, by the first steamer leaving for the United States.

God guard you many years.

(Signed) EM MARQUES DE PALMEROLA.

Enclosure No.1.

With Despatch No 2923.

H A B A N A , April 25,1896.

COPY.

GOBIERNO GENERAL de la ISLA de CUBA.

SECRETARIA GENERAL.

El Excmo.Sr.Capitan General,con fecha de ayer,dice al Excmo.Sr.Gobernador General lo siguiente:

"Excmo.Senor: Por decreto auditoriado de esta "fecha,he resuelto el sobreseimiento provisional "en la causa que se instruye contra el subdito "americano,WALTER GRANT DYGERT,hecho prisionero por "una columna del Ejercito entre Guines y Catalina "el dia 22 de Febrero ultimo,disponiendo a la vez "su libertad.

"Como la existencia de este individuo en el "punto donde fue detenido se hace sospechosa y "por los propios fundamentos expuestos por el Sr. "Auditor General en el dictamen que en copia acom- "pano,he creido del caso ponerlo en conocimiento "de V.E. por si en su vista estima conveniente "adoptar la medida gubernativa que se propone en "el referido dictamen,toda vez que pudiera resultar "perjudicial la permanencia de dicho individuo en "la Isla y fuera conveniente obligarle a salir de la misma; en el concepto de que a este fin,se ha "dispuesto la traslacion del interesado desde

"Guines donde se encuentra, al Cuartel de Policia
"de esta capital donde le sera notificada la pro-
"videncia de sobreseimiento y puesto en libertad".

Y habiendo dispuesto S.E.por decreto de Hoy, que el expresado Mr.WALTER GRANT DYGERT sea expulsado del territorio de esta isla, de su orden tengo el honor de participarlo a V.S.manifestandole que se han comunicado las instrucciones oportunas al Sr.Gobernador de esta Region, para que, en inteligencia con V.S, tenga efecto la salida de dicho individuo en el primer vapor que zarpe de este puerto con direccion a los Estados Unidos.

Dios, etc. Habana, 24 de Abril de 1896.

(Firmado) El Marques de Palmerola.

Sr.Consul Gral.de los E.U.en esta capital.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE

No. 2924.

U.S. Consulate General.
Habana, April 25, 1896.

INDEX BUREAU
REC'D.
MAY 4 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Extension of time granted the American citizens Mr. Alberto and Mr. Alfredo Diaz for their departure from this Islands.

No. 2924.

U.S. Consulate General.
Habana, April 25, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no. 2912 of the 23d instant relating to the release of the American citizens Mr. Alberto and Mr Alfredo Diaz, I beg to inform the Department that at their request I asked the Governor General for an extension of time until next Wednesday (6th) for their departure from this Island, which was readily granted me by the Generals.

I am,
Sir,

Sir,

Very respectfully,

Your obedient servant,

James D. Williams,

Consul General.

Copy.

"Habana

Secretary of State.
APR 28 1896

Lynchburg. Va.
April 27-1896.

Fin

To
Hon- Secretary of State-
Washington- D.C.

Sir-

Replying to your telegram received this afternoon- I beg to say that- since the confirmation of my appointment- by the Senate- last Thursday- I have been waiting for an official communication of my appointment- its confirmation- oath of office- and the form and amount- of Bond to be given- so that- I could duly qualify- after which I supposed, I would get instructions to report- in Washington- when- I would be duly informed of the plans- purposes and

policy of the Government in regard to Cuba and the time of my departure for Havana fixed. I am obliged to go to Richmond tomorrow to fill a long existing engagement to make an address at the Commencement Exercises at the University College of Medicine and Surgery and have promised to attend the annual meeting of the National Sons of the American Revolution there on Thursday next. I can be in Washington on Friday and Saturday of this week if that will be agreeable to you.

Please address me Westmoreland Club, Richmond, Va. I am

Very truly and respectfully yours.

Fitzhugh Lee.

Copied for Congress Feb. 1897

Copy, file

Secretary of State
MAY 4 1896

ASSISTANT SECRETARY
MAY 4 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY. 2 1896
DEPT. OF STATE

No. 2925.

U.S. Consulate General,
Habana, April 27, 1896.

Mr. Williams
to the
Department of State.

Referring to despatch No 88, dated the 24th instant, of Mr. Barker, our commercial agent at Sagua, reporting the murder of an American citizen Segundo M. Lopez.

No. 2925.

U.S. Consulate General.
Habana, April 27, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to despatch No. 88, dated the 24th instant, of Mr. Barker, our commercial agent at Sagua la Grande, reporting the murder of an American citizen, Segundo M. Lopez, I have to inform the Department that after a careful search the name of the alleged murdered American citizen is not found in the Register of American citizens kept by this Consulate General.

I am,
Sir,

Sir,

Very respectfully,

Your obedient Servant,

James O. Williams,

Consul General

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU REC'D. APR29 1896 DEPT. OF STATE

ASSISTANT SECRETARY APR 28 1896 DEPARTMENT OF STATE.

From Havana, April 28, 1896.

Received 12.18 P.M.

Secretary of State,

Washington, D.C.

Captain General tells me in reply to your cipher telegram yesterday, he has delegated Military Jurisdiction to the Commander in Chief of each Army Corps, Consequently Hyatt should address Chief of the First Army Corps at Santiago de Cuba ~~and~~ to asked transfer to Civil Jurisdiction Calvar and Duarte according to the form of procedure reported to the Department of State in my despatch 2810 in case of Cepero and 2875 Pelletier.

Williams,

Consul General.

Deciphered by Biddle.

Rockhill

Coile Hyatt
architect
with
R. C.

Copy

No. 2926.

U.S. Consulate General
Habana, April 28, 1896

INDEX BUREAU
REC'D.
MAY 2 1896
DEPT. OF STATE

Mr Williams

Dispatch

to the

Department of State.

Confirming my telegram of to-day relating to Calvar and Duarte.

No. 2926.

U.S. Consulate General.
Havana, April 28th 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Secretary of State,
"Washington, D.C.

"Captain General tells me in reply to "your cypher telegram "yesterday he has delegated "military jurisdiction "to the Commander-in-"chief of each army "corps. Consequently "Lyatt should address "Chief of the first army "corps at Santiago de

Cuba,

"Cuba to ask transfer
"to civil jurisdiction
"Calvar and Duarte
"according to the form
"of procedure reported
"to the Department of
"State in my despatch
"twenty eight ten in
"case of Cepero and
"twenty eight seventy
"five Pelletier"

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

Sent

INDEX BUREAU
REC'D.
MAY 2 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, April 28, 1896.

To Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to request that the articles of stationery named below be furnished for use at this office.

I have the honor to be, Sir,
Your obedient Servant,
James O. Williams,
Consul General.

1 Miscellaneous Record Book.
2 Reams typewriter cap legal 4/4 lbs.
2 Quires yellow blotting paper.

Confidential
No. 2927.

ASSISTANT SECRETARY
MAY 28 1896
DEPARTMENT OF STATE.

U.S. Consulate General.
Habana, April 28, 1896.

INDEX BUREAU
REC'D.
MAY 28 1896
DEPT. of STATE

Mr. Williams
to the
Department of State.

Jim

Economic condition of Cuba.

Submitting a clipping, with translation, from La Discusion, of the 25th instant.

1 Enclosure.

Confidential
No. 2927.

U. S. Consulate General
Habana, April 28, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

With reference to my despatch No. 2654 of November the 19th of last year, I have the honor to enclose a clipping, with translation, from La Discusion, of the 25th instant, containing some observations on the public debt of this island, which I beg to commend to the perusal of the Department. 1/

I am, Sir, very respectfully,
Your obedient servant,
Lamm O. Williams,
Consul General.

1/ Enclosure.

Enclosure No.1.

With Despatch No. 2927.

H A B A N A , April 28, 1896.

CONFIDENTIAL.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

---oOo---

From LA DISCUSION of HABANA, April 25, 1896.

AND THE DEBT?

Señor Sagasta has said that the application of the ABARZUZA LAW to Cuba is not sufficient and that the island needs more ample reforms

EL HERALDO of Madrid, attributes to general Martinez Campos opinions - which we published yesterday - favorable to home rule.

The reformist deputies have told the Colonial Minister - as will be seen in another column - that they stand by the first program of their party and ask for a totally collective Council of Administration.

And the home rulers have not struck a letter from their program.

ALL the republicans of the Mother Country - except the posibilistas - are in favor of home rule for Cuba.

Who defends the ABARZUZA LAW? perhaps the conser-

vatives; but they do not wish it put into operation till the war is over.

What is needed is a plan of reforms that will accelerate the termination of the war and which, on the return of peace, will bring about the establishment of a permanent state of things.

A few days ago we explained how the most serious feature of the Cuban question is the one offered by the Debt. The success of the new system of government depends, in a great measure, on the manner in which this Debt is to be settled.

Cuba will owe three hundred millions of dollars on the coming of peace. If it obligates itself to pay them in the same conditions under which it has paid to the present, she will have to pay eighteen millions of dollars annually, as interest.

With this burden it will be impossible to make the budgets so as to attend to the most needful services of the island.

If Cuba is given the right to freely settle the Debt and no less freely to vote the taxes it will be for her to make the annual budgets in such a manner as not to ruin herself.

If the Colony has to be compelled to approve such budgets - as are to be sent from Madrid - the share of

self government to be given it will not be sufficient to save it from bankruptcy.

Senor Canovas, last summer, when he said certain things that contrast with what he says now, let slip this expression: "Cuba has the right to administer her own money".

Without this right a ruinous war will be followed by a peace also ruinous; because it will be useless to produce sugar and tobacco, if the labor of the Cuban people is only to go towards paying the Debt.

Nothing will be accumulated; nothing will improve. The island will continue without accumulating capital.

A decline in prices will be sufficient to bring on an economic crisis; and with a few thousand workingmen without employment, the separatists can stir up a war. This is what is to be avoided and necessitates a radical solution of the question of the Debt.

-- --------o--------

Enclosure No. 1
With Despatch No. 2927.
Habana, April 28, 1896.

LA DISCUSION

Habana, sábado 25 de Abril de 1896

¿Y LA DEUDA?

El señor Sagasta ha dicho que no basta con aplicar en Cuba la Ley Abarzuza y que se necesitan reformas más ámplias.

El Heraldo de Madrid, atribuye al general Martinez Campos opiniones—que ayer copiamos—favorables á la autonomía.

Los diputados reformistas han manifestado al Ministro de Ultramar—como se verá en otro lugar—que vuelven al programa primitivo de su partido y que piden un Consejo de Administración totalmente electivo.

Los autonomistas no han rebajado ni una letra de su programa.

Todos los republicanos de la Madre Patria—excepto los posibilistas—están por la autonomía.

¿Quién defiende ya la Ley Abarzuza? Acaso los derechistas; pero esos, no la quieren hasta que haya acabado la guerra.

Y lo que se necesita es un plan de reformas que acelere la terminación de la guerra y que, llegada la paz, cree al país una situación tolerable.

Hace pocos dias expusimos el aspecto más grave de la cuestión de Cuba: la Deuda. Del régimen que se establezca para la Deuda, dependerá, en gran medida, al éxito de nuevo sistema de gobierno.

Al venir la paz, deberá Cuba unos trescientos millones de pesos. Si se la obliga á pagarlos en las mismas condiciones en que ha pagado hasta ahora, tendrá que dar diez y ocho millones de pesos al año.

Imposible que con esta carga encima haga unos presupuestos en los que estén atendidos los servicios más útiles del Estado.

Si á Cuba se le reconoce el derecho de arreglar libremente la cuestión de la Deuda y el de votar los ingresos, no menos libremente, le será fácil tener unos presupuestos que no la ahoguen.

Si la colonia ha de estar en el caso de hacer unos presupuestos de pié forzado—enviado de Madrid—la autonomía que se le dé no la salvará de la bancarrota.

El señor Cánovas, el verano pasado, cuando decía ciertas cosas que contrastan con otras que dice ahora, soltó esta prenda:

—Cuba tiene derecho á administrar su dinero.

Sin ese derecho, á una guerra ruinosa seguirá una paz, también ruinosa; porque de nada servirá producir mucho azúcar y mucho tabaco, si sólo se ha de trabajar para pagar la Deuda.

Nada se creará; nada se mejorará. El país seguirá careciendo de capitales de reserva. Bastará una baja en los precios para traer una crísis económica; y con unos cuantos miles de obreros sin trabajo, los separatistas podrán encender otra guerra. Esto es lo que hay que evitar dando una solución radical á la cuestión de la Deuda.

INDEX BUREAU
RECD.
APR 29 1896
9 P.M.
DEPT. OF STATE

TELEGRAM RECEIVED. in cipher - file.

From Havana

April 29, 1896

Received 9 P. M.

Secretary of State,
Washington, D.C.

Sagua la Grande
murderer
by cable 4/30/96

4/30/96

Yes, Guillermo and Louis Ybran arrested Sagua la Grande as was reported by Barker to the Department. Are subject by delegation of the Captain General to the military jurisdiction of the Commander in chief of the second Army Corps, Cienfuegos, whom Barker should address to ask release or transfer to civil courts. Chilton leaves to-morrow Merida.

Williams
Consul General

Your 86 rec?

[Deciphered by Rochester]

Rockhill —

Here is another cord
on which Wilkins
closed without Parker
direct — You had better
do so — or I can after
Wilkins has not.

R. O.

Dept. of State

INDEX BUREAU
RECD.
APR 30 1896
DEPT. OF STATE

"Havana"

Richmond Va
April 29 1896

Auth Disbursing Agent Dip. Bur. May 1

Wm. H. H. Rockhill
Asst Sec State

Sir

I have the honor to enclose the oath of office duly executed.

The Bond has been signed by me and sent to the Fidelity and Deposit Company of Baltimore to be executed and transmitted to the Department.

I am very respectfully
Yr obt Servt
Fitzhugh Lee

Dupl.

To Madrid
May 5 1896

Mr Taisa

ASSISTANT SECRETARY
MAY 4 1896
DEPARTMENT OF STATE.

No. 2928.

INDEX BUREAU
REC'D.
MAY 2 1896
DEPT. OF STATE

U. S. Consulate General.

Havana, April 29 1896.

Mr. Williams

to the

Department of State.

Transmitting claim against the Spanish Government, presented by Mr. Perfecto Lacoste.

One enclosure.

No. 2928.

U. S. Consulate General.
Havana, April 29 1896.

Hon: W. W. Rockhill.
Assistant Secretary of State.
Washington,
D. C.

Sir:

I have the honor to transmit herewith, copy of a statement made before me by Mr. Perfecto Lacoste, a citizen of the United States, in which is embodied a claim against the Spanish Government, for the amount of sup

hundred and fifty two thous-
and nine hundred dollars,
for losses and damages
caused to his property and
that of his wife, by the present
state of affairs in this Island,
and for lack of protection by
the Spanish Government.

I am, Sir, very respectfully,
your obedient servant.

James O. Williams,
Consul General.

One enclosure -
Claim presented by Mr -
Perfecto Lacoste,

Enclosure No.1.

With Despatch No. 2928.

H A B A N A , April 29th 1896.

COPY .

HABANA, April 25th, 1896.

Ramon O. Williams, Esquire.

Consul General of the United States.

HABANA.

Sir:

The undersigned, PERFECTO LACOSTE, respectfully represents ;

that he is a native of the Island of Cuba, 38 years of age, married, planter and a citizen of the United States, having become naturalized at the Hamilton County Probate Court, State of Ohio, U.S. on the 16th of July, 1878;

that about one year afterwards, he came to Cuba to look after his interests consisting of his large landed property, having obtained a passport from the Department of State of the United States, dated 21st July, 1879, and numbered 13,664; and that he was registered about a year later on April 23rd, 1880, at the U.S. Consulate General, in its Register of Citizens, No. 2086;

that he married his wife, LUCIA LACOSTE, --in whose name and interest he also appears, --in May, 1885; that subsequent to 1879, he resided two years

in Europe, and has made visits to Cuba, passing the winter seasons in attending to the management of his estate; and that he took up his residence in this city in 1894, and that he has faithfully observed all the laws of Spain in these dominions, punctually paid the taxes on their united properties,- his own and his wife's,- and all the other dues of the Spanish Government, and that during the revolutionary disturbances now agitating this Island, he has kept aloof from all participation therein, and has strictly observed all the laws of neutrality incumbent on him as a citizen of the United States.

That, however, since the beginning of this insurrection, he, as well as others, has received from the insurgents, those Spanish subjects in revolt against the Government of Spain in this Island, orders coupled with threats not to remove any cattle or horses from his properties, especially from those belonging to him in Holguin, in the Province of Santiago de Cuba, where the insurrection began; and that notwithstanding all his efforts, he has been unable to save any part of his property in that district; that the fences have all been destroyed and the property abandoned, and he consequently considers an entire loss to him the ten thousand head of cattle and the five hundred horses and mares he had on said properties.

That on the 28th of November last, the insurgent forces under command of the chief, CLOTILDE GARCIA,

invaded the plantation known as "SOCIEDAD", in Macagua, in the Province of Matanzas, belonging to his wife, and burned all the buildings which composed the "batey" of the estate, took off all the cattle they needed and carried away thirty one horses of the Anglo-Arab breed that were on the place.

That on the 1st of January, 1896, the insurgents, commanded by the chief BERMUDEZ, also burned the cane-fields of the "LA BENITA", farm, situated in Alfonso XII Province of Habana, belonging to his wife and destroyed thereby about a million and a half arrobas of cane.

That on the 6th of January last, being at the time on the plantation called "CENTRAL LUCIA", and known also by its old name "GARRO", there appeared a large force of insurgents under the leadership of ANTONIO MACEO, and passed through his property, stopping at the dwelling house, where MACEO and a number of his officers demanded bread and coffee. Among them was the brigadier MIRÓ formerly known to this deponent. Seeing that his cane-fields were on fire, this appearer made a remonstrance, on the plea that he was a citizen of the United States, and he succeeded in obtaining an order from MIRÓ, who acted as the Chief of Staff to MACEO, to respect his property, and an authorization to do what he could to put out the fires, which after a great deal of hard work with his colonos or farm laborers, he succeeded in doing, but not before over four millions arrobas of cane had been burnt. These insurgents carried away twenty

two of his finest horses.

That before the arrival of the insurgents there were nowhere near his plantation any of the Spanish troops that could afford any protection thereto.

That the following is an estimate of the losses he and his wife have suffered to their properties and interests, reserving the right to more fully substantiate the same in due time:

- For the cattle that he had in the district of Holguin, on the farms belonging to him, called "SAN CRISTOBAL", or "FERTILIDAD"; "LA MULA"; "LA GUINEA"; "SAN FRANCISCO"; and "LA NAZA", as also for the cattle he had on the farms "SANTO DOMINGO"; "LA GUINEITA"; "HUESO de CABALLOS"; and "GUANAIBA", of which he had taken charge and which were being exploited for his account; --$150,000.-

- for the horses, mares, etc, on said farms; " 35,000.-

- for the destruction of fences, pasturage, land planted with small cultivations, garden produce, and other damages connected therewith; . . " 25,000.-

-For the burning of the buildings on the batey of the "SOCIEDAD" plantation, situated in Macagua, district of Colon, the property of his wife, effected by order of the insurgent chief CLOTILDE GARCIA, on the 28th November, 1895; . . " 50,000.-

-For the destruction of the fences that surrounded and divided the estate into fields and lots; 5,000.-

-For the value of 31 horses of superior breeding that were on said farm and were carried _____

Over $265,000.-

Brought over; $265,000.-

away by the insurgents; . . . . $ 3,100.-

-For the destruction of one caballeria of cane, and smaller cultivations, garden produce,; " 1,500.-

-For the loss of 1,200,000 arrobas of cane of the plantation "LA BENITA", in Alfonso XII, the property of his wife, and whose cane-fields were burnt on the 1st January by the insurgent chief BERMUDEZ, and are estimated as follows:

1,200,000 arrobas cane, sold at 5 1/2 arrobas per 100, centrifugal sugar, price current in said district, would yield 66,000 arrobas sugar, which sold at 6 rials or .75 cts per arroba, would be; . . . $49,500.

deduction of cost of cutting, loading, and hauling, at $1. per 100@ of cane, "12,000.-

$ 37,500.-

-For partial loss of the cane rattoons, planted in 20 caballerias, . . " 10,000.-

Note: in case that the state of insurrection should not permit the cultivation of the cane fields, the rattoons will be entirely lost, and the damages will amount to : $20,000.-

-For the loss of 4,000,000 arrobas of cane, destroyed by fire in "CENTRAL LUCIA", as follows:

4,000,000 arrobas cane, sold at the rate of 5 arrobas of sugar for 100 of cane, equal to 200,000@ of sugar, which sold at 6 rials , or .75 cts each arroba, would amount to, $150,000.-

deduct for cost of cutting, loading, and hauling; . . . . . " 40,000

$110,000

Over $427,100.-

Brought over $427,100.-

-For partial loss of the cane rattoons, planted in 98 caballerias, ... $49,000.-

Notice: In case this loss results to be total because of the duration of the insurrection, which will not permit the cultivation of the fields, it will amount to $98,000.-

-For the losses occasioned to me by not being able to take off my crop, after having made all the necessary expenses of "refaccion" (working expenses,) repairs and improvements in machinery and sugar making apparatus, se follows:

Yield of sugar estimated on 6,500,000 arrobas of cane all ready in the fields for the grinding of the present crop of 1896, calculating the average yield of 9 arrobas of sugar for every 100 arrobas of cane, or be it, 585,000 arrobas of sugar, from which deduct 325,000 arrobas as payment of the cane at the rate of 5 arrobas sugar for every 100 of cane, remaining in favor of the CENTRAL, a surplus of 260,000 arrobas of sugar, which sold at 6 rials @ or .75 cts would yield the amount of $195,000.- and the value of 3,500 hhds of first class molasses, sold at the rate of $10. net: per hhd; . . . " 35,000.-

From this total amount of, . $230.000.

deduct the expenses of making, freight, etc, at the rate of .10 cts per @ of sugar, or .40 cts per 100 lbs, . "58,500. "171,500.-

Over $647,600.-

Brought over $647,000.-

Note: the foregoing calculation results in excess, if it be taken into account that it does not comprise the expenses of "refaccion", (working expenses), during the dead season and the preparations for the crop season, but only those of sugar making during the crop season.-

-For 22 blooded horses, taken by the insurgents upon passing through the "CENTRAL LUCIA"; " 4,400.-

-For 9 horses that were afterwards taken from the pasture or stock farm connected with said estate ; . . . . . " 900.-

Total $652,900.-

Six hundred and fifty two thousand nine hundred dollars, Spanish gold.

WHEREFORE, this appearer doth solemnly and publicly protest against all the losses and damages to his property and interests, as well as to those of his wife, which they have suffered, are suffering, and may hereafter suffer on account of the present state of affairs in this Island, and the lack of protection from the Spanish Government ; and doth declare that the same are and ought to be borne by the said Spanish Government, as the same have occurred as hereinbefore stated, and not by or through any fault or neglect of them, this said appearer and his wife, and further, that he believes and considers that he is entitled in consequence to claim and receive from the Spanish Government an indemnity therefore, proportionate to the amount of their respective losses and damages in the above mentioned sum of six hundred and fifty two thousand nine hundred dollars, Spanish gold,

with interest thereon until time of payment at 6 % per annum, and such further relief as may be accorded and they do hereny make formal demand and claim for same.

(Signed) PERFECTO LACOSTE.

LUCIA LACOSTE,
by her husband,
(Signed) PERFECTO LACOSTE.

-----o-----

CONSULATE GENERAL of the UNITED STATES of AMERICA at HABANA, CUBA.

BE IT KNOWN, that on this 25th day of April, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr. PERFECTO LACOSTE, to me personally known, and being duly sworn deposed unto the foregoing statement of the nature of a protest and claim against the Spanish Government, which he hath subscribed in his own name, and in the name of his wife, and declared that the cats therein set forth are true.

WITNESS my hand and the seal of this Consulate
(Seal.) General at HABANA, this twenty fifth day of April, 1896.

(Signed) RAMON O. WILLIAMS.

Consul General.

-----o-----

A true copy:

Ramon O. Williams,
Consul General.

-----o-----

Cuba Bud.

ASSISTANT SECRETARY
MAY 4 1896
DEPARTMENT OF STATE.

No. 2929.

INDEX BUREAU
REC'D.
MAY 2 1896
DEPT. OF STATE

U.S. Consulate General
Havana, April 29, 1896.

Mr. Williams

to the

Department of State.

File

Answering Department's instruction No. 1303 of the 13th ultimo relating to a naphtha launch for the use of the Sanitary inspector attached to this office.

1 Enclosure.

No. 2929.

U. S. Consulate General.
Habana, April 29, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

In answer to the Department's instruction nº 1303 of the 13th ultimo enclosing a copy of a communication of the 8th inst. from the Hon. Secretary of the Treasury relating to the necessity of a naptha launch for the use of the sanitary inspector attached to this office, and requesting that the consent of the Authorities of this Island be obtained therefor, I now beg to enclose a copy, with translation, of a communication I have addressed

to

to the Governor General in
compliance with said
instruction, and as
soon as a reply is received
I will inform the Depart-
ment.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramm S. Williams,
Consul General.

1 Enclosure.
No. 1 - Mr Williams to the
Governor General, April 28th -

Enclosure No.1.

With Despatch No. 2929

H A B A N A , April 29. 1896.

COPY.

U.S. CONSULATE GENERAL.

HABANA, April 28, 1896.

To His Excellency the Governor General of the

Island of Cuba.

Excellency:

The Treasury Department of the United States in order to facilitate the inspection of vessels about to leave this port for the United States desires to furnish this consulate general with a naphtha launch for the use of its sanitary inspector, provided the consent is obtained from the Government Y.E. represents.

I have, in consequence, the honor to address Y.E. requesting the permission required to the end that my Government may provide this office with the said launch for the purpose stated.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2929

H A B A N A , April 29,1896.

COPY.

CONSULADO GENERAL de los

ESTADOS UNIDOS.

HABANA, Abril 28, 1896.

Excmo. Sr. Gobernador General de la Isla de Cuba.

Excmo. Senor:

Deseando el Ministerio de Hacienda delos Estados Unidos facilitar a este Consulado General el modo de que el medico agregado al mismo ejerza su cargo de inspector de los buques de este puerto zarpan para aquellos Estados, se halla dispuesto, siempre que lo consienta el gobierno de que es V.E. tan digno representante, a proveer a esta oficina para el uso del citado medico de una lancha de nafta, para que este facultativo pueda girar en ella sus visitas de inspeccion en vez de valerse del bote de remos que en la actualidad emplea.

Consecuente a este deseo expresado por el referido Ministerio tengo el honor de dirigirme a la superior autoridad de V.E. solicitando su consentimiento a fin de que mi Gobierno proporcione a este consulado general la lancha en cuestion para el objeto indicado.

Soy etc.

(Signed) Ramon O. Williams,

Consul General.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2930.

Mr Taisig

U.S. Consulate General.
Habana, April 29, 1896.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

ans. tel. May 16/96

Y. the Cable Sent May 12

Mr. Williams
to the
Department of State.

Referring to Department's instructions Nos 1321 and 1337 of the 31st ultimo and 16th instant, respectively, relative to the going from this port to New York of Dr. José Francia y Montalvo to give testimony in the case of Henry Hewecker.

1 Enclosure.

DEPARTMENT OF STATE,
OFFICE OF SOLICITOR,
W.E.F.
MAY 11 1896

Mr. Whitehouse:-

Referring to the letter of the Attorney General dated April 14, 1896, send him a copy of this despatch and enclosure for his information.

No. 2930.

U.S. Consulate General.
Habana, April 29, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instructions No. 1321 and 1334 of the 31st ultimo and 16th instant, respectively, relative to the going from this port to New York of Dr. José Fraga y Montalvo to give testimony in the case of Henry Hewecker, who is to be tried on or about the 13th of May next for the murder of Edward J. Miller, mate of the American schooner 'Rebecca J. Moulton', I beg to enclose

1/ enclose copy - translation of the letter received from Dr. Franca stating his terms and conditions under which he is disposed to perform this service. I respectfully ask the Department to please inform me if his proposition is acceptable or not that I may advise him accordingly.

I am, Sir,
Very respectfully,
Your obedient servant,
Samuel B. Williams,
Consul General.

1 Enclosure:
No. 1 - Copy referred to.

Enclosure No.1.

With Despatch No. 2930

H A B A N A , April 27, 1896.

TRANSLATION.

HABANA, 27 April, 1896.

Ramon O. Williams, Esq.,

U. S. Consul General,

HABANA.

My dear Sir:

I beg to inform you that I am willing to go to New York to serve as an expert witness, having, in my capacity of physician of this judicial district, practised the autopsy on the body of EDWARD J. MILLER, and that for such service I expect to be paid the sum of one thousand dollars in American gold provided my sojourn in New York does not exceed fifteen days, if so I am to be paid, besides, thirty four dollars for each day in excess; and that in all cases my travelling expenses are to be on account of the party utilizing my professional services.

You will readily understand that said amount together with that of my travelling expenses are but a fair compensation for the damages which may cause to my interests my absence from this country, thereby abandoning my employment, clientele and family.

I am, dear Sir, etc.

(Signed) Dr. Jose Franca y Montalvo.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2931.

U.S. Consulate General
Habana, April 29, 1896.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State

Confirming telegram of to-day relating to Guillermo and Luis Gleam.

No. 2931.

U.S. Consulate General.
Habana, April 29, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day, in answer to that of the Hon. Secretary of State of yesterday, reading:

"Secretary of State,
"Washington, D.C.

"Yes. Guillermo
"and Luis Gleau
"arrested Sagua la
"Grande, as was re-
"ported by Barker
"to the Department,
"are subject by
delegation

"delegation of the Captain
"General to the military
"jurisdiction of the
"Commander in Chief
"of the Second Army
"Corps, Cienfuegos, whom
"Baker should address
"to ask release or
"transfer to civil courts.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamm O. Williams,
Brigadier General.

PT. OF STATE
M-1,9.37 AM 1896
E CLKS. OFFICE
RECEIVED

Secretary of State.
MAY 1 1896
RECEIVED

TELEGRAM IN CIPHER.

ASSISTANT SECRETARY
MAY 1 1896
DEPARTMENT OF STATE.

Ack + File

From Havana, April 30th, 1896.

Assistant Secretary of State,

Washington, D.C.

Acknd: May 5.

The American schooner COMPETITOR from Key West with part of the crew was captured near Sancayetano to the westward while, it is alleged, landing arms for the insurgents, and towed here yesterday. The case subject to Marine jurisdiction. I have seen Admiral who tells me it is now under examination of the Judge of Instruction. I have verbally asked for observance, as heretofore, of the protocol in the trial of the Americans among them and I shall confirm it in writing.

Williams,

Consul-General.

Deciphered by Biddle.

916

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2932.

U.S. Consulate General.
Habana, April 30, 1896.

INDEX BUREAU
RECD.
MAY 5 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Mrs. Herter informed May 11.

Answering Department's instruction No. 1344, of the 20th instant, relating to the missing Amer. tug 'Mascot.'

Com. Bur.
Subject File
Mrs H.B. Key

No. 2932.

U.S. Consulate General
Habana, April 30, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instruction No. 1344, of the 20th instant, directing this office to make inquiry relative to W. J. Kersey belonging to the crew of the American tug "Mascot", which has been missing since November last, I beg to inform the Department that in consequence of a letter received from Mr. Robert Quinn of #659 Tenth Street, Brooklyn, New York, asking for information

information regarding the fate of said tug I had addressed a communication to the Admiral of the Spanish West Indian Squadron, station at this port, under date of the 18th instant, requesting him to please furnish me, if within his power, with such information, and that to-day the Admiral answers me that his office has no knowledge of the "Mascot". I have also advised our consuls at Santiago de Cuba and Baracoa accordingly, and as soon as any data is obtained I will report it to the Department.

I am, Sir, very respectfully,
Your obedient servant,
Lawyer O. Williams
Consul General.

F.M.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2933.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, April 30, 1896.

Mr. Williams
to the
Department of State.

File

Confirming telegram of to-day relating to American Schooner "Competitor."

information regarding the fate of said tug I had addressed a communication to the Admiral of the Spanish West Indian Squadron, station at this port, under date of the 18th instant, requesting him to please furnish me, if within his power, with such information, and that to-day the Admiral answers me that his office has no knowledge of the "Mascot". I have also advised our consuls at Santiago de Cuba and Baracoa accordingly, and as soon as any data is obtained I will report it to the Department.

I am, Sir, very respectfully,
Your obedient servant,
Lampe O. Williams
Consul General.

F.W.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2933.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, April 30, 1896.

Mr. Williams
to the
Department of State.

File

Confirming telegram of to-day relating to American Schooner "Competitor."

No. 2933.

U.S. Consulate General.
Havana, April 30, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to confirm my telegram of to-day reading:

"Assistant Secretary
"of State,
"Washington, D.C.
"The American
"schooner "Competitor"
"from Key West with
"part of the crew was
"captured near San
"Cayetano to the west-
"ward, while, it is
"alleged, landing arms
"for the insurgents
"and towed here yesterday.

The

"The case subject to
"Marine jurisdiction.
"I have seen Admiral
"who tells me it is
"now under examina-
"tion by the judge
"of instruction. I
"have verbally asked
"for observance, as
"heretofore, of the
"protocol in the
"trial of the Americans
"among them and I
"shall confirm it in
"writing.

I am, Sir,
Very respectfully,
Your obedient servant,
Lamm O. Williams
Consul General.

TELEGRAM RECEIVED IN CIPHER.

Secretary of State.
MAY 2 1896

From Havana, May 1, 1896

Received 3, P.M.

Ack

Confirmed in 2934 from Habana.

OLNEY, DIPLOMATIC BUREAU. MAY 4 1896

Secretary of State,

Washington.

Urgent. Please instruct the United States Minister at Madrid to request Madrid Government to instruct Captain General to observe strictly the protocol in the trial of American citizens found on board COMPETITOR.

Williams,

Consul General.

INDEX BUREAU
REC'D.
MAY 4 1896
DEPT. OF STATE

TELEGRAM RECEIVED. Cipher

Recd May 2.
Confirm Dept telegram (two) of May 2.

From Havana.

dated May 1, 1896

Received 11: P. M.

Assistant Secretary of State

Washington DC

Urgent. As the marine jurisdiction has cognizance of the "Competitor" and persons captured on board, I have delivered to day personally a communication to the Admiral, asking that the case be tried under seventh article 1795 and the protocol thereon, protesting against trial by summary court martial or any form of procedure not adjusted to the treaties. Admiral received me most courteously but seemed to hold the opinion that the case does not come under any treaty of Spain with the United States, because first article of the protocol says "citizens of the United States residing in Spanish dominions", and these men do not reside therein. I replied that the protocol is contained in the seventh article of the treaty 1795 and there is nothing therein making residence of American citizens within Spanish dominions or Spanish subjects in the United States a condition necessary to entitle either of them to the enjoyment of all its guarantees. Please to instruct by cable.

Williams, Consul General

Secretary of State.
MAY 2 1896

adv

Look over this
Hon Wilson
Centuries ever
been made by
or at Just
by any Senator
220.

orp.

Tel

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2934.

U.S. Consulate General.
Habana, May 1, 1896.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Jim

Confirming my telegram of to-day relating to the case of the "Competitor."

No. 2934.

U. S. Consulate General.
Habana, May 1st, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to confirm my telegram of to-day addressed to the Hon. Secretary of State reading:

"Urgent. Please
"instruct the United
"States Minister at
"Madrid to request
"Madrid Government
"to instruct Captain
"General to observe
"strictly the protocol
"in the trial of American
"citizens found on
"board 'Competitor.'

I am,

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams
Consul General.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

File

No. 2935.

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 1st 1896.

Mr. Williams,
to the
Department of State.

File

Acknowledging receipt of Department's Telegram of the 30th ultimo.

No. 2935.

U. S. Consulate General.
Habana, May 1st. 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of your telegram of yesterday reading:

"Williams,
"Consul General,
Habana.

"Instruct consuls directly
"for all such cases as that
"referred to in your cable
"of twenty nine indicate
"to them procedure to be
"followed

Signed=Rockhill," and

and beg to inform you that I accordingly telegraphed yesterday to our consuls at Santiago de Cuba and Saguna la Grande as follows:

"American Consul.
"Santiago de Cuba.

"Department orders me
"to instruct you to present
"cases of Cubans and Spanis
"to Commander in Chief
"of First Army Corps at
"Santiago de Cuba, to ask
"for them their release or
"transfer to Civil Courts,
"the Captain General
"having delegated to him
"military jurisdiction for
"the organization of all
"cases in that department."

Signed: Williams
Consul General

"American Consul
Saigon.

"Department wishes me
"to instruct you to present
"cases of Glenn to Comman-
"der in Chief of Second
"Army Corps, General Pando,
"at Cienfuegos, to ask
"for their release or
"transfer to civil courts,
"the Captain general
"having delegated to him
"military jurisdiction
"for the conveyance of
"all cases in that department
Seguin = Stillman"
Consul General.

I am, Sir,
Very respectfully,
Your obedient Servant.
Consul General.

"Havana"

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

DEPARTMENT OF STATE,
WASHINGTON.

May 1, 1896.

4:15 p.m.

Hon. Richard Olney,

1640 Rhode Island Avenue,

Washington, D.C.

My dear Sir:

I have just arrived here (the Department) and have been made acquainted with the contents of your note. I greatly regret that I find I am obliged to go out to dinner, and fear I will not be able to get to your house this evening. I will, however, be at the Department at 10 o'clock to-morrow, and can be in Washington as long as you desire.

I would break the engagement made for me for dinner, and meet you, except for the fact that the dinner is given to me, and the guests are all invited to meet me.

I am,
Very truly yours,

Fitzhugh Lee

Secretary of State.
MAY 4 1896

TELEGRAM RECEIVED. Cipher

INDEX BUREAU
REC'D.
MAY 6 1896
DEPT. OF STATE

Con. Bird
Consul Files
Confirm WR

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE

From Havana

May 2, 1896.

Received 7:05 P. M.

Olney

Secretary of State

Washington, DC

Confirmed in No. 294 from Habana.

No change in situation "Competitor" passengers. I have received answer to my communication from acting Admiral saying Chief Admiral cruising, but has been informed by him of the case and is expected to return immediately, when my communication will be answered; meanwhile no procedure will be taken in prejudice to the rights of the American citizens.

Williams

Consul General.

Fellowship
Rec.

wjr.

File

ASSISTANT SECRETARY
MAY 2 1896
DEPARTMENT OF STATE

TELEGRAM RECEIVED.

From Havana

May 2, 1896.

Assistant Secretary of State,
Wash'n, D.C.

Received 12.36 P.M.

File

Cannot say if Uhrbach was on board Competitor My request to see prisoners and their names being yet refused

Williams,
Consul General.

TELEGRAM RECEIVED.

Rec'd May 18.

From Havana

May 2, 1896.

Received 12:4 P. M.

Assistant Secretary of State,
Washn D.C.

Please advise Secretary Treasury that I am informed five Chinese laborers left thirtieth ultimo by Spanish Steamer Habana New York without passports from this office

William,
Consul General.

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No. 2935.

Mr Taisn

INDEX BUREAU
REC'D.
MAY 5 1896
DEPT OF STATE

U. S. Consulate General

Habana, May 2nd 1896.

Mr. Williams

to the

Department of State

Transmitting claim against the Spanish Government, presented by Mr. Antonio A. Martinez

---

One enclosure.

No. 2936.

U. S. Consulate General.
Habana, May 2nd 1896.

Hon: W. W. Rockhill,
Assistant Secretary of State,
Washington.
D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Antonio A. Martinez, a citizen of the United States, in which is embodied a claim against the Spanish Government, for the amount of thirty

five thousand dollars, for losses, damages and injuries to his property and interests in this Island.

I am, Sir, very respectfully,

Your obedient servant,

Lamm O. Williams,

Consul General.

Enclosure:

Claim presented by Mr. Antonio A. Martinez.

Enclosure No.1.

With Despatch No. 2936

HABANA, May 29 1896.

Copy.

HABANA, April 29th,1896.

Ramon O.Williams, Esquire.

United States Consul General.

HABANA.

Sir:

The undersigned, ANTONIO M.MARTINEZ, respectfully represents;

that he is a native of the Island of Cuba, and a citizen of the United States, having been naturalized in the Court of Common Pleas, city of New York, on December 5th,1863; that he came to Cuba about 1890, to take up his residence, on account of having inherited property;

that he is the owner of the plantation called the "SAN ANTONIO", which borders on the village of Aguacate, in the Province of Habana;

that during the past month of January,1896, the battalion of Spanish troops, called the Batallon Provisional de Cuba, entered at least twelve times his cane-fields, and cut cane for fodder for their animals, and thereby destroyed at least fourteen thousand arrobas of cane;

that during the month of February, the Comandate

or Major PARAMO, of the Espana Regiment, encamped in the village and ordered his men fourteen or fifteen times to cut cane in his fields for forage, and thereby destroyed three large fields of cane of about ten thousand arrobas each, or thirty thousand arrobas in all. The men broke down the fences several times, thus allowing neighboring cattle to run in and eat up and destroy large tracts of newly planted and growing cane.

In march last, Col:MOLINA, commanding a column of troops, encamped twice in the village, and also sent his men to cut cane in this deponent's fields, and thereby destroyed at least eight thousand arrobas;

that during the latter part of March, the Talavera Batallon under command of Col:ALBERGOTI, and Major LORIENTE, established its headquarters in the village, and every time it returned from operations, two or three hundred cavalry entered the fields to cut cane, and so far have cut and destroyed over thirty thousand arrobas. The Guerilla Local, a body of troops belonging to the village, has also sent its men many times to cut cane in the fields and has destroyed some of them.

That several passing columns of Spanish troops which this deponent is unable to designate, have also torn down and destroyed many fences, and cut large quantities of cane, and that all the fields that have been cut are ruined for future yield.

That on the night of the 22nd March last, as

stated in official despatches, the Spanish troops had a skirmish with the insurgents in the neighborhood of this deponent's plantation. At the same time several of his cane fields were set on fire and nearly sixty acres of very fine cane were burnt, destroying thereby over one hundred and fifty thousand arrobas and ruining the plant or rattoons for future production.

Eight yoke of oxen tied to pasture or graze in the "guardarayos", or avenues, also disappeared; some were burned, and the rest went astray.

Four good horses of this deponent's property were also taken away by passing columns, in compliance, as stated, with the orders of the Government; and that the Spanish troops have also carried away a large number of pigs, turkeys and chickens, etc, which this deponent had on his place.

That he estimates the losses which he has sustained by the aforesaid occurrences as set forth, in consequence of the depredations committed on his property to be at least thirty five thousand dollars in gold.

WHEREFORE this deponent protests solemnly and publicly against the losses and damages he has suffered to his property and interests by reason of the action of the Spanish troops, the depredations committed on his property by them, and all consequent losses, costs and damages resulting to him, and thereby originated, and declares that he believes he is

entitled to receive an indemnity from the Spanish Government of the said amount of thirty five thousand dollars, Spanish gold, and interest thereon at 6 % annual until payment, and doth hereby make formal demand and claim from the said Government of Spain, for said amount.

(Signed) ANTONIO A.MARTINEZ.

-----o-----

U.S.CONSULATE GENERAL. HABANA.Cuba.

BE IT KNOWN that on this 29th day of April,1896 before me, the undersigned, U.S.Consul General at HABANA, personally appeared Mr.ANTONIO A.MARTINEZ, a citizen of the United States, to me personally known, and being duly sworn, deposed unto the foregoing document of the nature of a protest and claim against the Spanish Government, and subscribed his name thereto, and declared that the facts therein set forth are true.

WITNESS my hand and seal of this Consulate
(Seal.) General at HABANA, this 29th day of April,1896.

(Signed) RAMON O.WILLIAMS.

Consul General.

-----o-----

A true copy:

Ramon O. Williams

Consul General.

------o-----

To Spain
June 5, 96

Mr Fair

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

No: 2937.

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REC'D.
MAY 5 1896
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U. S. Consulate General,
Habana, May 2nd 1896.

Mr. Williams

to the

Department of State.

Transmitting claim against the Spanish Government, presented by Mr. Cristobal N. Madan.

One enclosure.

DIPLOMATIC BUREAU
JUN 4 1896

No. 2937.

U. S. Consulate General.
Habana. May 2nd 1896.

Hon: W. W. Rockhill.
Assistant Secretary of State
Washington.
D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Cristobal N. Madan, a citizen of the United States, in which is embodied a claim against the Spanish Government, for the amount of eighty eight thousand dollars, for losses

damages and injuries to
his property and interests
in this Island.

I am, Sir, very respectfully
your obedient servant,

Ramon O. Williams
Consul General.

One enclosure:

Claim presented by Attr.
Cristóbal N. Madan.-

Enclosure No.1.

With Despatch No. 2937.

HA B A N A , May 2nd 1896.

Copy.

HABANA, April 30th,1896.

Ramon O.Williams, Esquire.

United States Consul General.

HABANA.

Sir:

The undersigned, CRISTOBAL N.MADAN, respect fully represents;

that he is a native of the Island of Cuba,60 years of age,un-married,planter and a citizen of the United States,which citizenship he acquired as the son of an american citizen,and by residence in the United States twelve years before reaching his majority;and that he came to Cuba in 1859.

That he is the owner of the sugar plantation known as "LA ROSA",situated in the district of CIMARRONES,jurisdiction of Matanzas;,that he has paid all taxes demanded of him and faithfully observed the laws of the country;

That on the 23rd of December,1895,a force of insurgents numbering about 2000 horsemen commanded by the leader MAXIMO GOMEZ,came upon the said plantation,and set fire to his cane-fields in many places,and burned about 400000 arrobas of cane and carried away six saddle horses belonging to him.

That he was warned by the said insurgent general MAXIMO GOMEZ,not to attempt to grind any more cane, for if he thereafter found any one engaged in grinding contrary to his orders,he would hang all of them, and would blow up the buildings.

That on the 28th March last,he found about twenty soldiers of the Spanish troops, the Antequera Column or Regiment,accompanied by about thirty blacks and mulattoes,and a number of carts,in one of his cane-fileds,cutting cane tops as fodder for the horses of the Spanish troops;

that he addressed the chief,who seemed to be a corporal,and asked him by whose authority he was cutting the cane,and made himself known as the owner of the place;

that the said corporal answered him that he did not recognize him for anything,and he should contine the cutting of the cane;

that this deponent thereupon informed the corporal that he would go to Jovellanos and report the case to the Comandante Militar,and the corporal very curtly told him that he should go nowheres and put guards over him to prevent him from moving.

that after the carts were loaded up with cane tops,this deponent was ordered to march with the soldiers to Jovellanos,as a prisoner,and being mounted on a mule,one of the soldiers struck the animal with the flat of his sword,and this deponent was further insulted and threatened by the said corporal,

with being tied up, and the corporal used insulting and threatening language all the way to Jovellanos.

that when he arrived at this place, about one mile from "LA ROSA" estate, he was taken before a lieutenant, who after hearing him, ordered him to be released and promised him that no more of his cane should be cut; but that notwithstanding, the following day another party of soldiers came to his place and cut off more cane tops; and that in consequence he has given official information to the Alcaldes of Jovellanos and Cimarrones of these depredations committed upon his property by the Spanish troops.

that he has also addressed two petitions to the Captain General, transmitted through the United States Consulate General, and that the Captain General has answered him, by also transmitting through the Consulate General a communication to the effect that he had given orders to the said Spanish troops to prevent further cutting of cane, or taking of anything belonging to the estate of a foreigner, without authority of the owner.

That the following is an estimate of the losses and damages to his property and interests sustained by this deponent by reason of the lack of protection afforded him by the Spanish Government in Cuba, against the depredations of the insurgents, those subjects of Spain in revolt against the Government, and from the injuries to his fields and crops committed by the Spanish troops :-

For the losses and damages occasioned by the fire of December 23rd, as stated, at a moderate estimate at least,; . . $ 20,000.-

Loss of the cane of which the tops were cut, thereby destroying the plant, or rattoons of the fields; . . . . . " 4,000.-

Loss and abandonment of the remainder of the crop, which he has been unable to take off, through fear of the insurgents and lack of protection against them; . . . . " 24,000.-

And the estimated injury to the coming crop which will be short, on account of not being able to plant new cane therefor; . " 20,000.-

For the indignity to his person, by being arrested upon his own estate and conducted as a prisoner by soldiers of the Antequera Column to Jovellanos, at the risk of being shot down on the way, considering that he saved his life by excessive prudence on his part, suffering in silence the insults and threats of his captors; 20,000.-

Total: $ 88,000.-

WHEREFORE the aforesaid deponent doth solemnly and publicly protest against all the losses and injuries to his property and interests, which he already has, is now, or may hereafter suffer by reason of the facts herein set forth, on account of the present condition of the affairs of this Island, and the lack of protection due him on the part of the Spanish Government, as the same have occurred as

hereinbefore stated, and declares that the same are of right and ought to be borne by the said Spanish Government, and have not occurred by or through any fault or neglect on his part; and consequently, that he believes himself entitled to demand and claim an indemnity from the Spanish Government, to an amount equal to the aforesaid statement, or say, eighty eight thousand dollars, Spanish gold, with interest thereon at 6 % annual until time of payment, and such further relief as may be accorded him; and he doth hereby make formal demand and claim for the same. (Signed) CRISTOBAL N.MADAN.

-----o-----

U.S.CONSULATE GENERAL.

HABANA, CUBA.

BE IT KNOWN, that on this 30th day of April, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr.CRISTOBAL N.MADAN, a citizen of the United States, to me known personally, and being duly sworn, deposed unto the foregoing document of the nature of a protest and claim for indemnity against the Spanish Government, and subscribed his name thereto, and declared that the facts therein set forth are true.

WITNESS my hand and official seal this

30th April, 1896. (Sgnd) RAMON O.WILLIAMS.
Consul General.

A true copy:

Ramon O. Williams.
Consul General.

Dupt

No. 2938.

U.S. Consulate General,
Habana, May 2, 1896.

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REC'D.
MAY 5 1896
DEPT. OF STATE

Jlh

Mr. Williams
to the
Department of State.

Comprising telegram of yesterday evening relating to case of the "Competitor"

No. 2938.

U. S. Consulate General
Habana, May 2, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to confirm my telegram of yesterday evening reading:

"Assistant Secretary of State,
"Washington, D. C.

"Urgent. As the
"marine jurisdiction has
"cognizance of the "Competitor"
"and persons captured on
"board I have delivered
"to-day personally a com-
"munication to the Admiral
"asking that the case be
"tried under seventh
"article of the treaty

seventeen

"seventeen hundred
"ninety five and the
"protocol. Thereiu
"protesting against trial
"by summary court
"martial or any form
"of procedure not adjusted
"to the treaties. Admiral
"received me most
"courteously but seemed
"to hold the opinion that
"the case does not
"come under any treaty
"of Spain with the United
"States because first
"article of the protocol
"says citizens of the
"United States residing
"in Spanish dominions
"and these men do not
"reside therein. I
"replied that the protocol
"is contained in seventh
"article of the treaty
"of seventeen hundred
ninety

"ninety five, and
"there is nothing therein
"making residence
"of American citizens
"within Spanish dominions
"or Spanish subjects
"in the United States
"a condition necessary
"to entitle either of
"them to the enjoyment
"of all its guarantees.
"Please instruct by
"cable.

I am, Sir,
Very respectfully,
Your obedient servant,
Pamm C. Williams,
Consul General.

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RECD.
MAY 7 1896
DEPT. OF STATE

No. 2939.

U. S. Consulate General.
Habana, May 2, 1896.

Oct 17
Free

Mr. Williams,
to the
Department of State.

Forwarding two large mounted maps and three small ones of the Island of Cuba.

rec'd 5/7/96

Ark. file

Ans. sent
" Cen Bureau

No. 2939.

U. S. Consulate General.
Habana, May 2, 1896.

Hon. William A. Rockhill,
Assistant Secretary of State
Washington,
D. C.

Sir:

I beg to advise the Department that by order of Mr. Robert S. Chilton, Jr. Chief of Consular Bureau, I forward by the steamer Saratoga, sailing to day for New-York, two mounted maps of the Island of Cuba, addressed to the Department of State, care of U. S. Despatch Agent, New York. Also, three small maps of the same island, which I forward to day in the pouch to the Department.

The cost of these maps will appear in my next account.

I am, sir,
Very respectfully,
Your obedient servant.
Ramm O. Gillmore,
Brevet Major General.

Rec'd May 11. S.

No. 2940.

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REC'D.
MAY 7 1896
DEPT. OF STATE

U.S. Consulate General
Habana, May 2, 1896.

Mr. Williams
to the
Department of State.

Relating to the capture of the American schooner "Competitor."

2 Enclosure.

No. 2940.

U.S. Consulate General.
Habana, May 2, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

Referring to my despatches nos 2933 of the 30th ultimo and 2934 and 2938 of the 1st & 2d. instant, respectively, relating to the capture of the American schooner "Competitor", with several persons on board, while, as is alleged, landing arms and ammunition for the insurgents, near San Cayetano, on the north coast of Cuba, to the westward of Habana, I have now the honor to enclose copy, with translation,

1/

translation, of the communication dated the 30th ultimo which, as I cabled on the same day and yesterday evening, I delivered into the hands of the Admiral of the Spanish West Indian Naval Station, asking that the American citizens forum on board be tried in accordance with the terms of the 7th article of the treaty of 1795; and protesting, in the name of the Government of the United States, against their trial by summary court martial or by any other form of procedure not adjusted to the terms of the treaty.

As mentioned in my cablegram of last evening the Admiral expressed himself, conversationally, as,

as holding the opinion
that as these men were
not residents of the Spanish
dominions, they did not
come therefore under the
treaty engagements between
Spain and the United States;
I answered this, in
substance, that article
7 of the treaty of 1795
embraced — & American
citizens and Spanish
subjects in general and
excluded none; and that
no one of its parts could
be annulled by the protocol,
such as excluding from
the enjoyment of its guarantees
American citizens not
residing within the sense of domiciliation,
the Spanish
dominions nor Spanish
subjects not residing within
those of the United States.
In this understanding
of the treaty I shall continue

to

to act, unless otherwise instructed by the Department.

I beg to enclose a copy, with translation, of a communication received to-day from the Admiral acknowledging receipt of mine of the 30th ultimo.

Samuel T. Williams,

I am, Sir,

Very respectfully,
Your obedient servant,

Consul General.

2 Enclosures:
(No. 1 - Mr Williams to Admiral, April 30 -
2 - The Admiral to Mr Williams, May 1st

Enclosure No.1.

With Despatch No. 2940.

H A B A N A, May 2nd, 1896.

COPY.

U.S.CONSULATE GENERAL.

HABANA, April 30, 1896.

To the Admiral of the Spanish West Indian Squadron,

etc. etc. etc.

Excellency:

The fact of the seizure and bringing into this port of the american schooner COMPETITOR of Key West, Florida, with several persons on board by a spanish man of war and of the subjection of the vessel and persons for trial to the tribunals of the marine jurisdiction of this Island having reached the knowledge of this consulate general, and it being natural to suppose that these persons are either all or in part citizens of the United States, and having no exact information of the causes and the charges justifying their subjection to the said tribunals; therefore, and in conformity with instructions, I have to ask Y.E. to please inform me at your earliest convenience of the specific charges against this american vessel, as likewise against the persons, with names of the latter, that I may at once transmit the information to my Government.

Also, in compliance with the same instructions I have to cite as strictly applying to the trial of these

persons the terms of article 7 of the Treaty of October 27,1795, between the United States and Spain, which says:

"The citizens and subjects of both parties "shall be allowed to employ such advocates, solicit- "ors, notaries, agents and factors, as they may judge "proper, in all their affairs, and in all their trials "at law, in which they may be concerned before the "tribunals of the other party; and such agents "shall have free access to the proceedings in such "cases, and at the taking of all examinations and "evidence which may be exhibited in the said "trials".

In consequence, I have to ask Y.E. for the strict observance of these stipulations in the trial of the said persons, as was confirmed and agreed upon between the two Governments in the protocol of the 12th of January, 1877, for the amicable termination of all controversy as to the effect of existing treaties in certain matters of judicial procedure, and with respect to the application of the said treaties in the trial of citizens of the United States within the dominions of Spain, which reads as follows:

"1.- No citizen of the United States residing "in Spain, her adjacent islands, or her ultramarine "possessions, charged with acts of sedition, treason "or conspiracy against the institutions, the public

"security, the integrity of the territory or against
"the Supreme Government, or any other crime whatso-
"ever, shall be subject to trial by any exceptional
"tribunal, but exclusively by the ordinary jurisdic-
"tion, except in the case of being captured with
"arms in hand.

"2.- Those who, not coming within this last
"case, may be arrested or imprisoned, shall be deemed
"to have been so arrested or imprisoned by order
"of the civil authority for the effects of the Law
"of April 17, 1821, even though the arrest or impri-
"sonment shall have been effected by armed force.

"3.- Those who may be taken with arms in hand,
"and who are therefore comprehended in the exception
"of the first article, shall be tried by ordinary
"council of war, in conformity with the second ar-
"ticle of the hereinbefore-mentioned law; but
"even in this case the accused shall enjoy for
"their defense the guarantees embodied in the afore-
"said Law of April 17, 1821.

"4.- In consequence whereof, as well in the
"cases mentioned in the third paragraph as in
"those of the second, the parties accused are allowed
"to name attorneys and advocates, who shall have
"access to them at suitable times; they shall be

"furnished in due season with copy of the accusa-
"tion and a list of witness for the prosecution,
"which latter shall be examined before the presumed
"criminal, his attorney and advocate, in conformity
"with the provisions of articles twenty to thirty
"one of the said law; they shall have right to com-
"pel the witnesses of whom they desire to avail them-
"selves to appear and give testimony or to do it
"by means of depositions; they shall present such
"evidence as they may judge proper; and they shall
"be permitted to be present and to make their de-
"fense, in public trial, orally or in writing, by
"themselves or by means of their counsel.

"5.- The sentence pronounced shall be referred
"to the audiencia of the judicial district, or to
"the Captain General, according as the trial may
"have taken place before the ordinary judge or be-
"fore the council of war, in conformity also with
"what is prescribed in the above-mentioned law.

For the reasons above expressed, and in view of the jurisprudence already established by the civil and military courts of this Island since the 12 January, 1877, date of the mutual understanding between the two Governments as to the application of their treaties in cases of this nature, I cannot less than expect that the marine courts will also strictly observe the said article

7 and the protocol, granting to the persons now accused the enjoyment of all the means of defense therein stipulated.

And it being agreed between the two Governments under article 3 of the above inserted protocol that those American citizens who may be taken with arms in hand shall be tried by ordinary council of war, I must, therefore, protest in the name of my Government against the trial of these American citizens by summary court martial because of this method being excluded from the protocol, as I also protest against every form of procedure not adjusted to the treaty.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2940

H A B A N A ,May 2d, 1896.

COPY.

CONSULADO GENERAL de los

ESTADOS UNIDOS.

HABANA, Abril 30, 1896.

Excmo. Sr. Comandante General de Marina del

Apostadero y Escuadra de las Antillas.

Excmo. Senor:

Habiendo llegado al conocimiento de este consulado general el hecho de haber sido apresada y conducida á este puerto por un buque de guerra español la goleta americana "COMPETITOR", matrícula de Cayo Hueso, Estado de la Florida, junto con varias personas que se hallaban á su bordo, y haber sido sometidas tanto estas como la goleta á los tribunales de la jurisdiccion de marina de esta Isla, siendo lógico suponer que aquellas personas sean en su totalidad o en parte ciudadanos de los Estados Unidos, y careciendo de informes exactos respecto las causas y acusaciones que justifiquen su sumision á los tribunales aludidos; me veo en el caso, de acuerdo con mis instrucciones, de rogar á V.E. se sirva informarme, con la brevedad que sea posible, los cargos específicos que existan tanto contra dicho buque americano como contra las personas que á su bordo se encon-

traban, con relacion del nombre de estas últimas, á fin de transmitir en seguida los informes de V.E. á mi Gobierno.

Debo, tambien, en cumplimiento de las mismas instrucciones, y en vista de ajustarse precisamente su aplicacion al juicio de estas personas, citar el artículo 7 del Tratado de 27 de Octubre de 1795 entre España y los Estados Unidos, que dice:

"Se permitirá á los ciudadanos y súbditos "de ambas partes emplear los abogados, procuradores, "notarios, agentes o factores que juzguen mas "á propósito en todos sus asuntos y en todos los "pleitos que podran tener en los tribunales de la "otra parte, á los cuales se permitirá igualmente "el tener libre acceso en las causas, y estar pre- "sentes á todo examen y testimonios que podran "ocurrir en los pleitos".

Por consiguiente, y de orden de mi Gobierno, ruego á V.E. que al juzgarse á dichas personas se observen estrictamente las citadas estipulaciones del articulo 7 segun han sido interpretadas y confirmadas por el protocolo, el que con objeto de terminar amistosamente anteriores controversias que se habian suscitado al efecto y respecto de los procedimientos judiciales que han debido practicarse para el cumplimiento de los tratados existentes entre ambas Naciones, se acordó en Madrid el

12 de Enero de 1877 y que dice asi:

"1.- Ningun ciudadano de los Estados Unidos "residente en Espana, sus islas adyacentes o sus "posesiones en Ultramar, acusado de actos de sedi- "cion, infidencia o conspiracion contra las institu- "ciones, la seguridad publica, la integridad del ter- "ritorio o contra el Gobierno supremo o de cual- "quier otro crimen, podra ser sometido a ningun tri- "bunal excepcional, sino exclusivamente á la juris- "diccion ordinaria, fuera del caso en que sea cogido "con las armas en la mano.

"2.-Los que fuera de este ultimo caso sean "arrestados o presos, se considerará que lo han sido "de orden de la autoridad civil, para los efectos de "la ley de 17 de Abril de 1821, aun cuando el arresto "o la prision se haya ejecutado por fuerza armada.

"3.- Los que sean cogidos con las armas en la "mano, y por tanto, esten comprendidos en la excep- "cion del artículo primero, seran juzgados en consejo "de guerra ordinario con arreglo al artículo 2 de "la citada ley; pero aun en este caso disfrutaran "para su defensa los acusados de las garantias con- "signadas en la citada ley de 17 de Abril de 1821.

"4.- En su consecuencia, asi en los casos men- "cionados en el parrafo 3 como en los del 2, se les

"permitira a los acusados nombrar procurador y abo-
"gado que podra comunicar con ellos a cualquiera
"hora propia, se les dara oportunamente copia de la
"acusacion y una lista de los testigos de cargo, los
"cuales seran examinados ante el presunto reo, su
"procurador y abogado, segun se establece en los
" articulos 20 al 31 de dicha ley : tendran dere-
"cho para compeler a los testigos de que intentan
"valerse a que comparezcan a prestar su declaracion
"o a que la presten por medio de exhorto : presen-
"taran las pruebas que les convengan y podran estar
"presentes y hacer en el juicio publico su defensa
"de palabra o por escrito, por si mismos, o por
"medio de su abogado.

"5.- La sentencia que recaiga se consultara
"con la Audiencia del territorio o con el capitan
"general del distrito, segun el juicio haya sido
"ante el juez ordinario o ante el consejo de guerra,
"con arreglo tambien a lo que en la citada ley se
"determina".

Por las razones que he tenido el honor de exponer y en vista de la jurisprudencia ya establecida por los tribunales civiles y militares de esta Isla desde la citada fecha de 1877 sobre la aplicacion de los tratados en casos de la naturaleza del que nos ocupa, no puedo menos que esperar que los tribunales de marina observa-

rán estrictamente tambien dicho articulo 7, segun lo interpretan mútuamente ambas Naciones en el citado protocolo.

Y estando acordado por ambos Gobiernos en el articulo 3 del preinserto protocolo que los ciudadanos americanos, aun los que sean cogidos con las armas en la mano, seran juzgados por consejo de guerra ordinario, tengo que protestar en nombre de mi Gobierno contra la aplicacion del juicio sumarisimo a estos ciudadanos americanos por hallarse este medio excluido del protocolo, como asimismo protesto contra todo procedimiento que no se ajuste a lo pactado.

Aprovecho etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No.2.

With Despatch No. 2940

H A B A N A ,May 2nd,1896.

TRANSLATION.

OFFICE of the ADMIRAL of the SPANISH WEST INDIAN SQUADRON.

HABANA,May 1,1896.

To the Consul General of the United States,

Present.

Sir:

I have the honor to acknowledge the receipt of your courteous communication of yesterday's date,personally delivered by you to-day at 2 p.m.,and to inform you that the case of the seizure of the schooner COMPETITOR being under indictment proceedings (en sumario) it is not possible to answer at present your said communication,nor your note relating to same; but I promise to do so at the earliest convenience.

I am etc. etc.

(Signed)P.A. - Jose Gomez Imaz.

Enclosure No.2.

With Despatch No. 2940.

H A B A N A , May 2nd, 1896.

COPY.

COMANDANCIA GENERAL de MARINA del APOSTADERO.

Recibido el atento oficio de V.S. fecha de ayer y entregado personalmente por V.S. hoy a las dos de la tarde, tengo el honor de manifestarle que estando el asunto del apresamiento de la goleta COMPETITOR en sumario, no es dable contestar en estos momentos a dicha comunicacion, ni a la respetable carta de la misma fecha relacionada con el referido oficio, prometiendome verificarlo a la mayor brevedad posible.

Dios, etc. Habana, 1 Mayo de 1896.

(Signed) P.A.- Jose Gomez Imaz.

Sr. Consul General de los Estados Unidos en esta capital.

MAY 8 1896

Memphis Feb 20.

St. Consul General de los Estados Unidos en esta capital.

(Signed) P.A.- 3020 COMES LUSK.

Dios, etc. Habana, 1 Mayo de 1896.

Recibido el oficio de V.S. fecha de ayer y visto lo que en el se manifiesta por V.S. con relación á la conducta observada por el Capitan del vapor CONTENTION en cuanto á la falta de cumplimiento de las Reglas que se establecen para evitar abordajes en el mar, he dispuesto comunicar á la referida autoridad marítima que se dicta en estos momentos la orden para que el mencionado vapor sea detenido hasta nueva disposición.

Lo traslado á V.S. para su conocimiento.

Dios, etc. Habana, 1 Mayo de 1896.

(Signed) P.A.- 3020 COMES LUSK.

COPY.

ENCLOSURE NO. 5.

With despatch No. 1896.

H A B A N A , May 1, 1896.

COMANDANCIA GENERAL de MARINA del APOSTADERO.

Recibido el oficio de V.S. fecha de ayer y visto lo que en el se manifiesta por V.S. con relación á la conducta observada por el Capitan del vapor CONTENTION en cuanto á la falta de cumplimiento de las Reglas que se establecen para evitar abordajes en el mar, he dispuesto comunicar á la referida autoridad marítima que se dicta en estos momentos la orden para que el mencionado vapor sea detenido hasta nueva disposición.

Lo traslado á V.S. para su conocimiento.

Dios, etc. Habana, 1 Mayo de 1896.

(Signed) P.A.- 3020 COMES LUSK.

St. Consul General de los Estados Unidos en esta capital.

File

No. 2941.

INDEX BUREAU
REC'D.
MAY 7 1896
DEPT. OF STATE

U.S. Consulate General,
Habana, May 2, 1896

Mr. Williams
to the
Department of State.

Relating to the extradition of Juan Urrialde Martin alias Manuel Gonzalez Mendoza.

1 Enclosure.

MAY 8 1896

No. 2941.

U.S. Consulate General.
Habana, May 2, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's telegraphic instruction of the 28th ultimo directing me to request provisional detention of Juan Urrialde Martin alias Manuel Gonzalez Mendoza, who is now under arrest here, till arrival of extradition papers, because charged with forgery committed against Messrs. Belmont and Company, bankers of New York, I beg to enclose copy, with translation, of the 1/

Communication

communication I addressed the Governor General under date of the 30th ultimo to that effect.

I am, Sir,
Very respectfully,
Your obedient servant,
Laimm O. Williams
Consul General.

1 Enclosure:
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No. 2941.

H A B A N A , May 2nd, 1896.

COPY.

U.S. CONSULATE GENERAL.

HABANA, April 30, 1896.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

Complying with an instruction received from the Department of State and in conformity with the existing extradition treaty with Spain of the 5th of January, 1877, I beg Y.E. to please order the detention in a safe place of JUAN URRIALDE MARTIN alias Manuel Gonzalez Mendoza, who is now here under arrest till arrival of extradition papers, because charged with forgery committed against Messrs. Belmont and Company, bankers of New York.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2941.

H A B A N A , May 2nd, 1896.

COPY.

CONSULADO GENERAL de los

ESTADOS UNIDOS.

HABANA, Abril 30, 1896.

Excmo. Sr. Gobernador General de la Isla de Cuba.

Excmo. Señor:

Consecuente con una instruccion del Ministerio de Estado y conforme al tratado de extradicion vigente con España de 5 de Enero de 1877, ruego á V.E. se sirva mandar retener en sitio seguro hasta que lleguen los documentos de oficio á D. JUAN URRIALDE MARTIN alias Manuel Gonzalez Mendoza que se halla detenido en esta plaza por suponérsele autor del delito de estafa practicado contra los Sres. Belmont y Compañia, banqueros de New York.

Aprovecho etc. etc.

(Signed) Ramon O. Williams,

Consul General.

TELEGRAM RECEIVED.

INDEX BUREAU
REC'D.
AUG 21 1896
DEPT. OF STATE

5 Ma

Confirmed in Consul's No. 2943 of May 4.

From Havana

May 4, 1896.

Received 1:36 P.M.

Assistant Secretary
of State
Wash'n. D.C.

Your instruction thirteen forty nine not received

Williams,
Consul General.

Desp.

Cuba

No. 2942.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 4, 1896.

Mr. Williams
to the
Department of State.

Rec'd

Confirming my telegram dated the 2d instant relating to the "Competitor."

No. 2942.

U.S. Consulate General.
Habana, May 4, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of the 2d instant reading:

"Olney. Secretary of State,
"Washington, D.C.
"No change in
"the situation of "Com-
"petitor" passengers. I
"have received answer
"to my communication,
"from Acting Admiral,
"Chief Admiral cruising.
"Both has been informed
"by him of the case and
"is expected to return
immediately

"immediately, when
"my communication
"will be answered.
"Meanwhile no procedure
"will be taken in
"prejudice to the rights
"of the American citizens.

I am, Sir,
Very respectfully
Your obedient Servant,
Logan A. Williams
Consul General

No. 2943.

U.S. Consulate General.
Habana, May 4, 1896.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT OF STATE

Mr. Williams
to the
Department of State.

Jno

Confirming telegram of
to-day.

No. 2943.

U. S. Consulate General,
Habana, May 4, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Assistant Secretary of State,
"Washington,
"D.C.

"Your instruction
"thirteen forty nine
"not received."

I am, Sir,
Very respectfully,
Your Obedient Servant,
Ramon O. Williams
Consul General.

No. 2944.

U.S. Consulate General.
Habana, May 4th 1896.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

Mr. Williams,
to the
Department of State.

Acknowledging receipt of the Department's instructions numbered from 1342 to 1351, with the exception of No. 1349, which has not been received

No. 2944.

U. S. Consulate General.
Habana, May 4th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington
D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions numbered from 1342 to 1351, inclusive, with the exception of number 1349, which I have telegraphed the Department to day has not been received.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams
Consul General.

Secretary of State.
MAY 9 1896

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE.

Confidential.
No. 2945.

U. S. Consulate General,
Habana, May 5, 1896.

Mr. Williams /
to the
Department of State.

Rec'd May 12.

Economic condition of Cuba.

Enclosing translation from
El Diario de la Marina.

Con Bur.
Returned to Dept
R. O.

1 Enclosure.

Confidential.
No. 2945.

U. S. Consulate General.
Habana, May 5, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With special reference to my despatches Nos 291, 724 and 733 of the 20th of November, 1895, 8th of August and 12th of September, 1896, I now beg to ask the attention of the Department to the enclosed clipping from the Diario de la Marina of yesterday, showing that the sugar dealers of the United States are now supplying themselves in Europe, to replace the deficiencies

1/

of

of supplies from Cuba.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamont T. Williams,
Consul General.

One enclosure.
No. 1 - Translation of clipping
referred to.

Enclosure No.1.

With Despatch No.2945.

H A B A N A , May 4th, 1896.

CONFIDENTIAL.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

FROM EL DIARIO DE LA MARINA of HABANA, May 3rd, 1896.

TELEGRAMS.

NEW YORK, May2, 1896.

STOCK OF SUGAR.

The sugar merchants of London state that the stocks of sugars this year show that there will be 320.000 tons less than last year.

Purchases of sugar in England for the United States.

The sugar dealers in New York are buying large quantities of sugar in London. There are sixty large steamers loading sugar in the ports of Great Britain for the purpose of offsetting the deficit in the Cuban crop which appears to be greater from day to day.

It is calculated that 15 per cent more beet seed will be sowed this year than last.

Enclosure No. 1
With Dispatch No. 2945.
Habana, May 4th, 1896

DIARIO DE LA MARINA.

DOMINGO 3 DE MAYO DE 1896.

EXISTENCIAS DE AZUCARES

Los comerciantes azucareros de Londres aseguran que las existencias visibles este año serán de unas 320,000 toneladas menos que el pasado.

COMPRAS DE AZUCAR EN INGLATERRA.

Las casas de Nueva York están comprando grandes cantidades de azúcar en Londres. Hay sesenta grandes vapores cargando azúcar en los puertos de Inglaterra para los Estados Unidos, y se trata de contrarrestar el déficit de fruto cubano el cual déficit se cree que se acentuaría más cada día.

LA REMOLACHA EN EUROPA.

Se calcula que este año se sembrará en Europa 15 por ciento más de remolacha que el anterior.

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE.

No. 2946.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT OF STATE

U.S. Consulate General,
Habana, May 5, 1896.

Mr. Williams
to the
Department of State.

Relating to the case of the American schooner "Competitor."

One enclosure.

No. 2946.

U.S. Consulate General.
Habana, May 5, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In continuation of my despatches nos. 2933, 2934 and 2938 of the 30th ultimo and 1st and 2d instant in relation to the capture of the American schooner "Competitor," with several persons on board, near San Cayetano, on the north coast of this island, to the westward of Habana, I now have the honor to enclose for the information of the Department a copy, with translation

translation, of the answer of the acting Admiral of this Naval Station to my communication addressed him on the 30th instant in relation to this affair.

It will be noticed that the acting Admiral informs me that the Admiral in Chief is absent from Habana on a cruise, and that as soon as he returns he will take under consideration and decide upon the several particulars presented in my said communication of the 30th ultimo, with the assurance that no essential determination will be taken in the meantime to the detriment of the rights of the American citizens engaged in this affair.

I am,

I am, Sir,
Very respectfully,
Your obedient servant,
Lamm O. Williams,
Consul General.

One enclosure:
No. 1 - Copy and translation
of the communication referred to.

the

Enclosure No. 1

With Despatch No. 2946.

H A B A N A , May 5, 1896.

TRANSLATION.

COMMANDANCY GENERAL of MARINE and of the SPANISH NAVAL STATION of the WEST INDIES.

OFFICE of the GENERAL STAFF,

HABANA, May 2nd, 1896.

To the consul general of the United States of America,

Present.

Sir:

His Excellency the Commanding General of this station and squadron, to whom the exercise of the marine jurisdiction belongs in this island and that of Porto Rico, being absent from the seat of Government, there is no legal medium present through which to reply, in view of their judicial character, to any of the points to which you respectable official note of the 30th of April last refers.

The said Authority having been informed by me of the capture of the schooner said to be called the "Competitor", I am expecting his immediate return, and as soon as this occurs he will decide upon all the particulars treated of by you, my powers being limited to the

inspection of the proceedings which are being carried on in conformity with the provisions of the Law of Organization and Attributions of the Marine Courts, and to assure you that in the meantime, no essential determination will be taken in detriment to the rights of any citizen of the Nation which you so worthily represent.

I have the honor to communicate the above to you im amplification of my communication to you of yesterday.

God guard you many years.

(Signed) Jose Gomez Imas,

Second in Command of this Naval Station.

Enclosure No. 1

With Despatch No. 2946.

H A B A N A, May 5, 1896.

COPY.

COMANDANCIA GENERAL de MARINA del APOSTADERO
de la HABANA y ESCUADRA de las ANTILLAS.
ESTADO MAYOR.

Ausente de esta capital el Excmo. é Ilmo. Sr. Comandante General del Apostadero y Escuadra en quien y en esta isla y la de Puerto Rico, reside el ejercicio de la jurisdiccion de Marina, no existe hoy medio habil para legalmente resolver, atendiendo a su caracter judicial, ninguno de los puntos a que se contraen el respetable oficio de V.S. de treinta de Abril ultimo y comunicacion de la misma fecha a que aquel hace referencia.

Impuesta ya por mi, dicha Autoridad, del apresamiento de la goleta, que se dice llamarse "Competitor", espero su immediata llegada, y tan pronto como esto suceda resolvera sobre todos los particulares de que tratan los mencionados escritos de V.S.; limitandose hoy mis facultades a la prevencion del procedimiento que se esta instruyendo con arreglo a lo dispuesto en la Ley de Organizacion y Atribuciones de los Tribunales de Marina, y a significar a V.S. que en el interin, ninguna otra determinacion esencial ha de tomarse que pueda menoscabar el derecho que asista a cualquier subdito de la Naion

que V.S.tan dignamente representa.

Lo que tengo el honor de poner en conocimiento de V.S.como ampliacion a mi comunicacion de ayer.

Dios, etc.- HABANA,2 Mayo,1896.

El Gral.2o.Jefe de este Apostadero y Escuadra

Encargado accidentalmente del Despacho.

(Signed) Jose Gomez Imaz.

Sr.Consul Gral.de los Estados UNidos de America en la HABANA.

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

No. 2947.

U. S. Consulate General.
Habana, May 5, 1896.

Com Rel
F. M.

Mr. Williams
to the
Department of State

Rel

Confirming telegram of the 23d instant relating to Chinese laborers.

No. 2947.

U. S. Consulate General
Habana, May 5, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

I beg to confirm my telegram of the 2d instant reading:

"Assistant Secretary of State,
Washington, D. C.

"Please advise Secretary
"Treasury that I am in-
"formed five Chinese laborers
"left thirtieth ultimo by
"Spanish steamer Habana
"for New York without
"passports from this office."

I am, Sir, very respectfully,
Your obedient servant,

Ramon O. Williams,
Consul General.

TELEGRAM RECEIVED. in cipher

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

From Havana

May 6, 1896.

Received 6,50 P.M.

Olney
Secretary of State
Washington, D.C.

Confirmation in No 2956 from Habana.

Your cipher telegram received, I have seen acting admiral who tells me the examination of Competitor proceedings will be finished to-day and that Admiral commanding is expected to arrive to night- when my communication of the thirtieth ultimo in which I have asked the names American citizens and permission to see them will be answered,

Williams, Consul General.

Deciphered by
E. L. Whitehouse

Secretary of State.
MAY 8 1896

Articles
Filed
R.O.

INDEX BUREAU
REC'D.
MAY 8 1896
DEPT. OF STATE

Rcd. May 7.

Habana, May. 6. 1896.

FORM No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

Secretary of State
MAY 7 1896

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.		FROM
2 CO K Gvt.	37		PR 37	wds	Havana.

RECEIVED at 741PM. Washington DC May 6th.1896. 189

May 6 Assistant Secretary Of State Washington DC.

Replying to your telegram Have seen Captain General about Calvar Duarte and Glean cases he will answer my communications sent him yesterday in due course

Williams. Consul General.

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE.

No. 2948.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

U. S. Consulate General,
Havana, May 6 1896.

Mr. Williams
to the
Department of State.

Mr Taisin

DIPLOMATIC BUREAU
MAY 4 1896

Transmitting claim against the Spanish Government, presented by Mr. Joaquin Perez Cruz.

One enclosure.

No. 2948.

U. S. Consulate General.

Havana, May 6th 1896.

Hon: W. W. Rockhill.

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Joaquin Perez Cruz, a citizen of the United States, in which is embodied a claim against the Spanish Government, for the amount of seventy thousand dollars

american gold, for losses, damages and injuries to his property and interests in this Island.

I am, Sir, very respectfully, your obedient servant,

Ramon O. Williams,
Consul General.

One enclosure:

Claim presented by Mr. Joaquin Perez Cruz.

Enclosure No.1.

With Despatch No. 2948.

HABANA, May 6th 1896.

Copy.

Habana, May 4th,1896.

Ramon O.Williams, Esquire.

Consul General of the United States.

Habana.

Sir:

The undersigned, JOAQUIN PEREZ CRUZ,respectfully represents ;

that he is a native of this Island of Cuba, 48 years of age,married,proprietor,and that he is a citizen of the United States,having acquired said citizen-ship by naturalization in the Court of Common Pleas of the City of New York,on the 10th September,1886;

that he came to Cuba on or about the 7th of November,1886,with a passport issued by the Depart-ment of State,numbered 8,226,and dated October 25th, 1886,and was registered at the U.S.Consulate General at Habana,on or about November 26th,1886,under No. 3852 of the Consular Register.

that since that date he has resided in the city of Sancti Spiritus,Province of Santa Clara in this Island,until the year 1895,and since then up to the present time he resides in this city;

that he and his wife,Mrs.JOSEFA LUISA RODRIGUEZ GALLO de PEREZ,are owners of certain landed property

in said province, which has come to them by inheritance and purchase;

that they have faithfully observed all the laws of Spain within these dominions, have paid their taxes and other government dues punctually, and during the existence of the revolutionary disturbances now agitating this Island, they have observed the strictest neutrality incumbent upon them as american citizens;

that by reason of said insurrection they have been compelled to abandon the following property:

The farm or cattle ranche, known as "JOBO GORDO", in the rural division of Paula, Municipal district of Sancti Spiritus in the province of Santa Clara, composed of 20 1/4 caballerias or 668 acres of land. Of this land 16 1/4 caballerias are of cultivated pasture; 3 are forest or woodland, and one is dedicated to the planting of vegetables. There are 15,120 yards of pine fence, five dwelling-houses, 2 carts, one well and 4 enclosed yards for cattle, This farm had on it 100 cows, 6 mares and 4 horses, its value, thirty seven thousand four hundred and ninety dollars; . . . . $ 37,490.-

The farm known as "JESUS MARIA", of 9 caballerias or 300 acres, in the rural division of Paula, Municipal district of Sancti Spiritus, in the Province of Santa Clara. Of this land

over $ 37,490.-

Brought over $ 37,490.-

8 caballerias are of cultivated pasture, and the remaining one is dedicated to the planting of sugar cane, banana and fruit trees. There are 1,920 yards of barbed wire fence with posts of hard wood and 5,160 yards of pine fence; five dwelling houses; two enclosed yards for cattle, and one well and accessories. Its value nineteen thousand three hundred and forty dollars. . . . . $ 19,340.-

The farm known as "SAN MATIAS", of 7 1/2 caballerias or 250 acres, in the rural division of San Andres, Municipal district of Sancti Spiritus, in the province of Santa Clara. Of this land, 7 caballerias are of cultivated pasture and half a caballeria is planted with fruit trees, sugar cane, etc. There are 6000 yards of barbed wire fence with posts of hardwood, two dwelling houses and one enclosed yard for cattle. Its value ten thousand four hundred dollars. $ 10,400.-

A portion of forest or wood land, named "CAOBAS", of 10 caballerias in extent, rich in mohogany and other woods, about two miles distant from the rail-road station and town of Paredes, in the municipal district of Sancti Spiritus, Province of Santa Clara. Its value eight thousand dollars. . . . . $ 8,000.-

The farm known as "SAN JOSE", of 33 1/2 caballerias, or 1116 acres of land in the rural

Over $ 75,230.-

Brought over $ 75,230.-

division of Paula, municipal district of Sancti Spiritus in the province of Santa Clara,- Of this land 29 caballerias are of cultivated pasture; 3 of forest or woodland, and one is dedicated to the cultivation of sugar cane, banana and fruit trees. There are 6,144 yards of barbed wire fence with posts of hardwood; 11,856 yards of pine fence, four dwelling houses; eight other houses for the laborers or "partidarios", and 4 enclosed yards for cattle. Its value forty five thousand and thirty six dollars. . . . . $ 45,036.

Total amount claimed as value of the property $120,266.- and losses, one hundred and twenty thousand two hundred and sixty six dollars.

All these farms, and the cattle, and buildings, and their appurtenances belonging to the farms, have been abandoned on account of the present state of affairs of the Island, the insurrection, and revolt of certain of its subjects against the Spanish Government, and the edict of Captain General WEYLER, of the 16th February last, ordering all persons living in the country to concentrate in the towns.

WHEREFORE this appearer doth solemnly and publicly protest against the aforesaid losses and damages to his property and interests, which he and his wife have sufferred, on account of the state of insur-

rection and affairs mentioned, are now suffering, and may hereafter suffer on account of same, and the lack of protection from the Spanish Government; and doth declare that the same are of right and ought to be borne by the said Spanish Government, as the same have occurred as hereinbefore mentioned, and not by or through any fault or neglect of the said appearer, and his wife; and further, that he considers that they are entitled to an indemnity from the Government of Spain to an amount proportionate to their respective losses and damages, in the sum of seventy thoudand dollars, (70,000.) american gold, with such further relief as may be afforded them, and he doth hereby make formal demand and claim for the same upon the Spanish Government.

(Signed) JOAQUIN PEREZ CRUZ.

JOSEFA LUISA RODRIGUEZ GALLO de PEREZ
by her husband,
(Signed) JOAQUIN PEREZ CRUZ.

-----o-----

CONSULATE GENERAL of the UNITED STATES of AMERICA.

HABANA, May 5th, 1896.

BE IT KNOWN that on this fifth day of May, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr. JOAQUIN PEREZ CRUZ, a citizen of the United States, to me known personally to be the person named in, and who subscribed his name, and the name of his wife, for whom he also appears, to the foregoing document of

the nature of a protest and claim against the Spanish Government of the Island of Cuba, and being duly sworn deposed unto the same and declared that the facts therein set forth are true.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at HABANA, this fifth day of May, 1896.

(SEAL.)

(Signed) RAMON O. WILLIAMS.

Consul General.

-----o-----

A true copy:

Ramon O. Williams,

Consul General.

-----o-----

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE.

Secretary of State.
MAY 12 1896

No. 2949.

U.S. Consulate General.
Habana, May 6, 1896.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Enclosing a copy of a letter from the American citizen Mr. Pedro Casanova complaining against certain outrages which he says have been committed by Spanish troops against the person of Mr. Julio Vidal, a native born citizen of the United States, and other persons in the employ of Mr. Casanova, at his plantation "Central Casanova, situated at San Miguel de Jaruco.

No. 2949.

U. S. Consulate General.
Habana, May 6, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to submit herewith to the Department a copy of a letter received on the 29th ultimo from the American citizen Mr. Pedro Casanova, owner of the sugar plantation "Central Casanova", situated at San Miguel de Jarico, complaining against certain outrages which he says have been committed on the said plantation against the person of Mr. Julio Vidal, a native born citizen of the

the United States, and other persons in the employ of Mr. Casanova, by Spanish troops. I also beg to enclose a copy of the communication I addressed the Governor General in connection therewith.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

2 Enclosures:
No. 1 - Letter of Mr. Casanova referred to.
" 2 - Mr Williams to Governor General.

Enclosure No.1.

With Despatch No. 2949

H A B A N A , May 6 1896.

COPY. HABANA, 28 April, 1896.

Ramon O. Williams, Esq.,

U.S. Consul General,

HABANA.

Dear Sir:

I have just arrived from our plantation "Central Casanova" situated at San Miguel de Jaruco, and reserving myself the opportunity of presenting my detailed protest arising from the outrages (atropellos) and damages which have been done to me and to my family and also to the tenants of the plantation.

I address the present to relate the details of all that has happened and to beg of you to solicit from the spanish authorities to immediately put the necessary person in care of the estate, which I have been compelled to abandon and which remains at present completely alone as there exists an invaluable batey which can not remain abandoned.

This morning at about eight o'clock, a column of spanish troops of about three hundred men cavalry and infantry from Minas under the command of a captain whose name I do not recollect, but personall known to me, and whose chief officer of said column is Major Fonsdeviela, arrived at our plantation, when we were surprised by

by the report of several discharges of musketry and followed soon afterwards by repeated firing and in a few moments followed also by the appearance of some of the troops on horseback and a foot commanded by one captain Cerezo Martinez, who with gross language ordered and intimated all persons inside of our house, including my wife and children, (one of them an infant) to come outside at once .

Several soldiers, some of them pointing with their muskets and others using the swords came inside of the house dragging by force several of the inmates, servants, and other tenants, who at the hearing of the firing ran into the house for natural protection. One of said tenants, a colored man named Eleuterio Zanabria, was dragged out by one of the soldiers, and right before our eyes was struck and severely cut on the shoulder and hand with the sword, to such an extent that the pool of blood still remains outside of the entrance of the house.

All the inmates including my nephew, Julio Vidal, an american born citizen, and myself, but excepting my wife and children, were forcibly taken from the house to a short distance before the captain commanding who after a few ordered us all to a still further distance, where all but myself including my nephew were tightly bound with ropes and kneeled on the grass with the purpose , I suppose, of shooting them.

At that moment, oneof the colored men called Manuel Febles, afraid of being shot tried to run away, when quite a number of soldiers on horseback and afoot started after him and shot him dead mutilating his body afterwards.

All supplication and entreaties from my wife and child five years old, begging that I should not be taken from the house for fear that I should also be shot, was useless and after all manner of insults used freely by one of the officers, I was at last allowed to return to the house where the cries and weeping of my family awaited me in the greatest agony, accompanied by my nephew, who was also loosed and permitted to return with me, owing, as I suppose, to their knowledge that both my nephew and myself were american citizens.

For several weeks I have been thesubject of repeated outrages on the part of the spanish troops stationed at Minas, who operate on the zone or belt of the plantation, but not wishing to trouble you with reports, I have done nothing, believing that the predispositions against the estate would cease on the part of said column, much more so, when other troops which have passed by and operated through here have observed a different conduct.

What has happened is not explicable and is only conceived done by a mad or intoxicated chief and notwithstanding my regret I feel compelled to make the present complaint, as I have been obliged by force to

abandon the estate forever.

Now, I beg of you to inquire from the spanish authorities what am I to do since they do not allow any workman to remain on the plantation.

I am, etc. (Signed) Pedro Casanova.

P.S. The number of men that were tightly bound and referred to above were six, who they took away as prisoners and their names are. Tomas Linares, Ciriaco Linares, Eleutrio Zanabria, Felix Cardenas, Juan Duarte, Florencio Rodriguez.

omit

Enclosure No.2.

With Despatch No. 2949.

H A V A N A, May 6,1896.

COPY.

U.S.CONSULATE GENERAL.

HABANA, May 4,1896.

To His Excellency the Governor and Captain General

of the Island of Cuba.

Excellency:

I have the honor to present herewith for the knowledge of Y.E. a copy of a letter dated the 28 ultimo, received by this consulate general on the 29th of same, from the American citizen Mr.Pedro Casanova, owner of the sugar plantation "Central ~~Carmen~~ Casanova", situated at San Miguel de Jaruco, complaining against certain outrages which he says have been committed on the said plantation against the person of Mr.Julio Vidal, a native born citizen of the United States, and other persons in the employ of Mr.Casanova at the said plantation, by spanish troops lead by captain Cerezo Martinez of the column under the command of Major Fonsdeviela, thereby compelling Mr. Casanova to abandon the place with his family, because of the acts narrated and of the personal danger to which they were exposed.

In consquence he solicits me to beg Y.E. to have the goodness to order a guard to take care of the batey

which is a valuable property and which he avers he has been obliged to abandon.

Trusting that Y.E.will be pleased to grant the protection asked for by Mr.Casanova, I am, etc.

(Signed) Ramon O.Williams,

Consul General.

ASSISTANT SECRETARY
MAY 11 1896
DEPARTMENT OF STATE

No. 2950.

U.S. Consulate General,
Habana, May 6, 1896.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

To Treasury
May 13.
with orig. encls.
orig. encls. sent
Treasury
May 25.

Answering Department's instruction no. 1349, received to-day, relative to Chinese.

One enclosure.

No. 2950.

U.S. Consulate General.
Habana, May 6, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to accompany herewith the original letter addressed to me from the office of the Collector of Internal Revenue at New Orleans, in accordance with the Department's instruction No. 1349 of the 23d ultimo, received to-day. 1/

With reference to the paragraph in the letter of Mr. Isaac F. Carter, accompanying the Departments' instruction, saying:

"Mr.

"Mr. Leung Sing Kee
"called on me only a
"few days ago and stated
"that Consul General
"Williams was not at
"Habana and my
"letter had not been
"received and requested
"me to again write
"the American Consul,
"which I did and I am
"sure that my letter
"directed to the Vice Consul
"will speak for itself," I
have to say that Mr Springer,
the vice Consul general,
tells me that he has
not received that letter.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramm D. Williams,
Consul General.

Enclosure: Letter referred to.

ASSISTANT SECRETARY
MAY 12 1896
DEPARTMENT OF STATE.

No. 2957.

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

U.S. Consulate General
Habana, May 6, 1896.

Mr. Williams
to the
Department of State

Cases of Calvar and
Duarte arrested at Manzanillo.

1 Enclosure.

No. 2951.

U.S. Consulate General.
Habana, May 6, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no. 2926 of the 28th ultimo relative to the cases of Calvar and Duarte, arrested at Manzanillo, I beg to enclose a copy of the communication I addressed the Captain General under yesterday's date informing him that the Commander in Chief of the first army corps on the application of Mr. Hyatt to him for the transfer of these cases to the civil

1/

civil jurisdiction, under the delegation of the authority from the Captain General, has replied saying that he has resubmitted them in consultation to the Captain General. In consequence, and in compliance with the Department's telegraphic instruction, I have asked him to please instruct the said Commander in Chief of the first army corps to inhibit himself from the further cognizance of these cases with their transfer to the civil jurisdiction in accordance with article 7 of the treaty of the 27th of October, 1795, and protocol of the 12th of January, 1877, since these American citizens have not been captured with arms in hand.

I

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamm V. Williams,
Consul General.

One enclosure:
No. 1 - Copy of communication
referred to.

Enclosure No. 1.

With Despatch No.2951.

H A B A N A , May 6,1896.

COPY.

U. S. CONSULATE GENERAL.

HABANA, May 5, 1896.

To His Excellency the Captain General of the

Island of Cuba.

Excellency:

I have to inform Y.E. that having transmitted to the consul of the United States at Santiago de Cuba the verbal answer given me by Y.E. to the effect that you had delegated your military jurisdiction to the commander in chief of the first army corps in the cases of the American citizens Calvar and Duarte, arrested at Manzanillo, whose transfer to the civil jurisdiction has been solicited by the consul, that the commander in chief of that district has replied that he has submitted the case in consultation to Y.E.

In consequence, and in compliance with telegraphic instructions from my Government I have to beg Y.E. to give the instructions to the commander in chief of the first army corps to inhibit himself from the further cognizance of these cases with their transfer to the civil jurisdiction in accordance with article 7 of the treaty of the 27 October, 1795, and protocol of the 12 of January, 1877, interpreting it, since these American

citizens have not been captured with arms in hand, nor in any attempt against the sovereignty of Spain in the island of Cuba.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

ASSISTANT SECRETARY
MAY 12 1896
DEPARTMENT OF STATE.

No. 2952

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, May 6, 1896.

Mr Williams

to the

Department of State.

Cases of Guillermo and Luis Gleau arrested at Sagua.

1 Enclosure.

No. 2952.

U.S. Consulate General.
Habana, May 6th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch No. 2931 of the 28th ultimo relative to the cases of Guillermo and Luis Gbau, arrested at Sagua la Grande, I beg to enclose a copy of the communication I addressed the Captain General under yesterday's date informing him that the Commander in Chief of the second army corps on the application of Mr. Barker to him for the transfer of these cases to the civil

civil jurisdiction, under the delegation of the authority from the Captain General, has replied saying that he has resubmitted them in consultation to the Captain General. In consequence, and in compliance with the Department's telegraphic instruction, I have asked him to please instruct the said commander in chief of the second army corps to inhibit himself from the further cognizance of these cases with their transfer to the civil jurisdiction in accordance with article 7 of the treaty of the 27th of October, 1795, and protocol of the 12th of January, 1877, since these American citizens have not been captured with arms in hand.

I

I am, Sir,
Very respectfully,
Your obt. servant,
Ramm O. Williams X
Consul General.

1 Enclosure:
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No.2952.

H A B A N A , May 6,1896.

COPY. U.S.CONSULATE GENERAL.

HABANA,May 5,1896.

To His Excellency the Captain General of the

Island of Cuba.

Excellency :

I have to inform Y.E.that having transmitted to the consul of the United States at Sagua la Grande the verbal answer given me by Y.E.to the effect that you had delegated your military jurisdiction to the commander in chief of the second army corps in the cases of the American citizens Guillermo and Luis Glean, arrested at Sagua,whose transfer to the civil jurisdiction has been solicited by the consul,that the commander in chief of that district has replied that he has submitted the case in consultation to Y.E.

In consequence,and in compliance with telegraphic instructions from my Government I have to beg Y.E to give the instructions to the commander in chief of the second army corps to inhibit himself from the further cognizance of these cases with their transfer to the civil jurisdiction in accordance with article 7 of the treaty of the 27 October,1795,and protocol of the 12 of January,1877,interpreting it,since these American

citizens have not been captured with arms in hand, nor in any attempt against the sovereignty of Spain in the island of Cuba.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

DIPLOMATIC BUREAU
JUN 4 1896

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE

No: 2953.

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

U. S. Consulate General.

Havana, May 6 1896.

Mr. Williams

to the

Department of State.

Mr Taft

Transmitting a claim against the Spanish Government, presented by Sñr. Manuel Antón Recio Morales.

One enclosure.

No. 2953.

U.S. Consulate General.

Havana. May 6 1896.

Hon. W. W. Rockhill.

Assistant Secretary of State

Washington.

D.C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Manuel Anton Recio Morales, a citizen of the United States, in which is embodied a claim against the Spanish Government, for the amount of two hundred

and seventy five thousand
five hundred dollars, gold, for losses, damages
and injuries to his property
and interests in this Island.

I am, Sir, very respectfully,
Your obedient servant,
Rann O. Williams,
Consul General.

Enclosure:

Copy of claim against
Spanish Government, presented
by Mr. Manuel Anton Recio
Morales.

Enclosure No. 1.-

With Despatch No. 2953.

H A B A N A , May 6th,1896.

COPY

HABANA,May 6th,1896.

Ramon O.Williams, Esquire.

U.S.Consul General.

HABANA.

Sir:

The undersigned, MANUEL ANTON RECIO MORALES, respectfully represents;

that he is a native of this Island, 34 years of age,married,proprietor and planter,and a citizen of the United States,having acquired said citizenship by naturalization in the U.S.District Court for the Southern District of New York,in the city of New York,on the 7th November,1895.

that he came to this Island on or about the December,1895,with a passport issued by the Department of State of the United States,dated December 5th,1895,and numbered 5,481,and took up his residence in this city at No.110 Oficios Street,and was also registered in the U.S.Consulate General Register of Citizens, on December 27th,1895,under the number 4,595 ;

that he is the owner of a saw-mill situated in the province of Santa Clara,in the municipal dis-

trict of Cienfuegos,

that on the 15th of December, 1895, a band of men composed of about 250 of the so-called insurgents, Spanish subjects in revolt against the Government of Spain in this Island, suddenly made their appearance on his place, and the said insurgents , under the command of the so-called Colonel NUNEZ, set on fire all the buildings of the place and the stock of goods accumulated therein, and carried away with them ten good sound horses belonging to this deponent ;

that he estimates the amount of loss and damage caused to him thereby, at twenty five thousand five hundred dollars, Spanish gold:

That on the 9th of April last, of the pre sent year, another band of insurgents about 300 strong, under command of the so-called Comandante MIRABAL, also appeared on the premises of his sugar estate, known as "MORALITOS", situated in the Province of HABANA, municipal district of Tapaste, and set fire to the cane-fields, the buildings with all their machinery, the laborers' houses, his own private dwelling house, and a number of other small buildings belonging to the estate, and all the working materials of the plantation wre thereby destroyed.

That he estimates the further loss suffered by him by reason of the foregoing, in the sum of two hundred and fifty thousand dollars, Spanish gold. ($250,000.-)

Wherefore,

WHEREFORE this appearer doth solemnly and publicly protest against the Government of Spain in the Island of Cuba, for the losses and damages to his property and interests which he has sufferred, is now sufferring, and may hereafter suffer on account of the present state of affairs in this Island, and the lack of protection afforded him by the said Spanish Government, against the depredations of certain of its subjects in revolt in this Island, who not only destroy property, but prevent the production of sugar to the great detriment of the large sums invested in said industry; that he had made due application to the Captain General WEYLER for a garrison or sufficient troops to be placed upon his plantation for its protection, and was refused on the ground that he had no soldiers to protect the property of private individuals, but the integrity of Spain which was now at stake; and therefore this appearer believes that all the said losses occasioned to him, are and of right ought to be borne by the said Spanish Government, as the same occurred as is stated, and not by or through any fault or neglect of this appearer, and that he considers himself entitled to receive an indemnity therefor from the said Spanish Government of a sum equivalent to the losses he has sustained, with interest thereon until time of payment, and such further relief as may be accorded him; and he doth consequently hereby make a formal demand and claim for the same, the said

amount of indemnity.

(Signed) MANUEL ANTON RECIO MORALES.

-----o-----

U.S.CONSULATE GENERAL.

HABANA, May 6th,1896.

BE IT KNOWN, that on this day,before me, the undersigned,Consul General of the United States of America at HABANA,personally appeared Mr.MANUEL ANTON RECIO MORALES, a citizen of the United States, to me personally known,and known to me to be the person named in and who subscribed the foregoing instrument of the nature of a protest and claim against the Spanish Government, and being duly sworn, deposed to the same,and declared that the facts therein set forth are true.

WITNESS my hand and official seal at HABANA,
(Seal.) this 6th day of May,1896.

(Signed) RAMON O.WILLIAMS.

Consul General.

-----o-----

A true copy.

Ramon O. Williams

Consul General.

----o----

6.19

DIPLOMATIC BUREAU
JUN 4 1896

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

No. 2954

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

U. S. Consulate General

Habana, May 6 1896.

Mr Williams

to the

Department of State.

Mr Taussig

Transmitting a claim against the Spanish Government, prosecuted by Mr. George W. Hyatt.

One enclosure.

No. 2954.

U. S. Consulate General.

Habana, May 6th 1896.

Hon: W. W. Rockhill

Assistant Secretary of State.

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. George W. Hyatt, a citizen of the United States, in which is contained a claim against the Spanish Government, to the amount of two hundred and eighty five thousand, four

hundred and ninety 34/100, dollars
Spanish gold, for losses and
damages to his property
and interests in this Island.

I am, Sir, very respectfully
Your obedient servant,
Ramon O. Williams
Consul General.

One enclosure:
claim against Spanish Government
presented by Mr. Geo. W. Hyatt.

Enclosure No.1.

With Despatch No. 2 9 5

H A B A N A , May 1896.

Copy.

HABANA, May 5th,1896.

Ramon O.Williams, Esquire.

U.S.Consul General.

HABANA.

Sir:

The undersigned, GEORGE W.HYATT, respectfully represents;

that he is a native american, born in Cold Spring,Putnam Co, State of New York,62 years of age,married, engaged in commerce and the sugar industry of this Island,and residing principally in this city of Habana;

that he is the sole lessee of the sugar plantation known as "TINGUARO", situated in the province of Matanzas,with all its lands, cane,buildings,machinery,stock of horses and cattle,and of all its appurtenances and privileges annexed,for the term of five years from October 22nd,1895,as appears by a public instrument exe cuted before the Notary Public,Don Emilio Villageliu e Yrola,of this city, on said date, No.339 of his protocol.

That he made all the usual necessary expenses required to be made for preparing said plantation for the crop of 1895-96, and for the "refaccion", or working expenses of same, and was ready to grind the ripe cane and commence operations for the taking off of the crop during the latter part of December, when he was obliged to suspend all work and finally abandon the plantation, by reason of the constant visits of armed parties of persons in revolt against the Government of Spain in this Island, calling themselves insurgents, in numbers of one hundred to six thousand men, and their threats and demands.

that these visits have continued at intervals of a few days up to the present time, the said parties invariably committing considerable damage, by setting fire to the cane-fields, sacking the dwelling houses, destroying one completely by tearing it down by the use of iron bars and picks, and have also broken the lathes, presses, engine etc, in the machine shop on said place;

that on the 20th of February last, the plantation was visited by a strong force of the se-called insurgents, said to have been commanded by SOTOLONGO, who destroyed by fire a large extent of cane-fields, and on the 25th of February it was visited by another large force of insurgents under MOREJON, who also burned a large extent of the cane-fields, destroying a large quantity of cane, and also destroyed a dwelling house, built of lime and mortar, as well as the

machine shop.

That the place was again visited on the 3rd of March last, by a force said to be 5,000 to 6,000 strong, commanded by MAXIMO GOMEZ, whose forces also burned a large amount of cane, and killed a number of oxen for his men.

that on the 8th of March, the place was again invaded by a strong force of insurgents under MOREJON, who set fire to cane-fields and slaughtered oxen for his men.

That similar visits have been made by the insurgent forces, until nearly all the cane-fields appertaining to the plantation, have been burned, and completely destroyed, because on account of the fields not being cultivated immediately, the plant or rattoon cane is lost, and the land requires to be reploughed, and re-planted until it is again in its former state. Wherefore these repeated burnings have caused to this appearer the loss of two crops, the present one, and the coming one of 1896-1897.

And this appearer declares that the Spanish Government on this Island has failed completely in affording him any protection for his property, nor has it made any effort to do so, notwithstanding, that this appearer applied a number of times to the local authorities, and also to the Governor General in Habana, through the medium of the United States Consul General.

That the following is a moderate estimate of the losses and damages sustained by this deponent, in his property and interests by reason of the lack of protection afforded him by the said Spanish Government, against the depredations of the insurgents, those subjects of Spain in this Island in revolt against the Government:-

Estimating that the product of this plantation would have been as follows:
Five and a half million arrobas of burned cane producing 8 1/2 % of centrifugal sugar, polarizing 95° to 96° , is 467,500 arrobas sugar, equivalent, say to 36,000 bags, at 5 1/2 rials: $321,406.25

1 % of molasses sugar, amaunting to 55,000 arrobas, or 4583 bags, at 4 rials, or .50" 27,500.-

Price paid by purchaser of sugar for each bag at .50 cts, 40,583 bags; . . " 20,291.50

Destruction of stone and mortar dwelling house; value . . . . . " 5,000.-

destruction of machine shop, lathes, drill presses, tools, engine, etc, etc, . . " 3,000.-
which by terms of his lease must be replaced by deponent.

For 30 yoke oxen slaughtered, at $100. for each yoke; to be replaced under the said conditions of the lease: . . . . " 3,000.-

Over; $380,197.75

Brought over	$380,197.75
25 % of cane fields destroyed by fire, so that they will require re-ploughing, re-planting and cultivating, amounting to 30 caballerias, at $1,000. each caballeria, .	" 30,000.-
Total:	$410,197.75

Deducting expenses on same, estimated as follows:

For Cost of cutting, loading and hauling in carts and by rail-road cars to mill, of the 5,500,000. arrobas of cane, at $1.20 pr 100.	$ 66,000.-
Cost of manufacture of, say, 36,000 bags of of cane sugar, at .80 cts per bag; . .	" 28,800.-
cost of manufacture of the 4583 bags of molasses sugar, at .15 cts per bag;	" 687.45
freight of the 40,583 bags of sugar to Cardenas, the nearest and cheapest port of export, at .50 cents per bag, . . .	" 20,291.50
cost of 40,583 new sugar bags at 22 cts per bag, current rate;	" 8,928.26
	$124,707.21
Leaving a difference of	$285,490.54

two hundred and eighty five thousand four hundred and ninety 54/100 dollars, which represents the total amount of the damages to the property and losses sustained by the said deponent.

AND the said deponent further declares that he considers himself entitled to an indemnity from the Spanish Government for the aforesaid losses

and damages to his property and interests as hereinbefore set forth, to the amount of two hundred and eighty five thousand four hundred and ninety 54/100 dollars, Spanish gold, with interest thereon at 6 % annual until time of payment, and such further relief as may be accorded him; and doth hereby make formal demand and claim upon the said Spanish Government in the Island of Cuba, for the aforesaid amount; solemnly and publicly protesting against the said Spanish Government for all the losses and damages by him sustained, due to the lack of protection afforded him ; reserving the right to further extend this protest as need and occasion may require.

(Signed) GEO: W.HYATT.

-----o-----

CONSULATE GENERAL of the UNITED STATES of AMERICA at HABANA, Cuba.

BE IT KNOWN, that on this fifth day of May, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr. GEORGE W.HYATT, a citizen of the United States, to me personally known, and known to me to be the person named in the foregoing document of the nature of a protest and claim against the Spanish Government for indemnity, who subscribed his name thereto, and being duly sworn, deposed unto the same, and declared that the facts therein set forth are true.

WITNESS my hand and official seal, May 6th, 1896.

(Seal.) (Signed) RAMON O. WILLIAMS.
Consul General.

A true copy:

Ramon O. Williams
Consul General.

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

No. 295.

U.S. Consulate General.
Habana, May 6, 1896.

Mr. Williams
to the
Department of State.

Confirming telegram relating to Duarte, Calvar and Gleaw cases.

No. 2955.

U.S. Consulate General.
Habana, May 6, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Assistant Secretary
"of State,
"Washington, D.C.
"Replying to your
"telegram. Have seen
"Captain General about
"Calvar, Duarte and
"Glean cases. He will
"answer my communi-
"cations sent him
"yesterday in due
"season."

I
am,

am, Sir,
Very respectfully,
Your obedient servant,
Lamm D. Williams,
Adjutant General.

Print

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

No. 2956.

U.S. Consulate General.
Habana, May 6, 1896.

INDEX BUREAU
REC'D.
MAY 12 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

File

Confirming telegram relating to sale of "Competitor."

No. 2956.

U.S. Consulate General.
Habana, May 6, 1896.

Hon. William W. Rockhill
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

'Olney,
'Secretary of State,
'Washington d.c.

'Your cypher tele-
'gram received. I have
'seen Acting Admiral who
'tells me the examination
'of 'Competitor' proceedings
will be finished to-day
'and that Admiral Gre-
'nanding is expected to
'arrive to-night when my
'communications of the
thirtieth

"thirtieth ultimo in
"which I asked the
"names American
"citizens and per-
"mission to see them,
"will be answered."

I am, Sir,
very respectfully
Your obedient servant,
Ramm O. Williams
Consul General

TELEGRAM RECEIVED. in cipher.

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

From Havana

May 7, 1896

Received 8, 25 P.M.

Confirmed in No 2957 from Habana

Olney
Secretary of State
Washington, D.C.

I have received five o'clock P.M. from admiral commanding the answer to my communication of the thirtieth in regard to the American citizens captured on Competitor, He replies seventh article of the treaty seventeen ninety-five and the protocol do not apply to them as they are not residents in accordance with law relating to foreigners and they are to be tried by summary court-martial I am preparing answer and protest in accordance with your cipher telegram second instant,

Williams
Consul General

Deciphered by
E.L. Whitehouse

Secretary of State.
MAY 8 1896

A. C. Rumbold Jr
Pub.
R. O.

N.

omit.

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY 13 1896
DEPT. OF STATE

No. 2957.

U.S. Consulate General.
Habana, May 7, 1896.

Mr Williams
to the
Department of State.

F N

Confirming my telegram of to-day relating to case of "Competitor."

No. 2957.

U.S. Consulate General.
Habana, May 7, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Olney,
'Secretary of State,
"Washington, D.C.
'I have received
'five o'clock P.M. from
'Admiral commanding
'the answer to my
'communication of the
'thirtieth in regard to
'the American citizens
'captured on 'Competitor,'
'he replies seventh
'article of the treaty
seventeen

"seventeen ninety five
" and the protocol do
" not apply to them
" as they are not residents
" in accordance with
" law relating to foreigners,
" and they are to be tried
" by summary court
" martial. I am
" preparing answer and
" protest in accordance
" with your cypher
" telegram second instant."

I am, Sir,
Very respectfully,
Your obedient servant,
Ramsd. Wilkins,
Consul General.

Habana

INDEX BUREAU
REC'D.
MAY 8 1896
DEPT. OF STATE

Secretary of State.
MAY 8 1896

ASSISTANT SECRETARY
MAY 8 1896
DEPARTMENT OF STATE.

Lynchburg, Va., May 7, 1896.

on.Richard Olney,

Secretary of State,

Washington, D.C.

My dear Sir:-

I will go to Huntington, West Va., tomorrow to see my son who is in the employ of the C.& O. R.R. there, but will return here the early part of ~~next~~ week, and can be in Washington towards its close, prepared to receive your latest instructions, previous to my departure.

I am, with great respect,

Your obedient servant,

Fitzhugh Lee

INDEX BUREAU
REC'D.
MAY 9 1896
DEPT. OF STATE

TELEGRAM RECEIVED. in cipher

From Havana

May 8, 1896

Received 8.45 P.M.

Olney
Secretary of State
Washington D.C.

Confirming mine 98. from Habana.

Competitor American citizens have not had opportunity to summon and examine witnesses and to be defended by counsel of their own selection, For their defense their only counsel at the trial was a Spanish naval officer. Captain General and Admiral both contend that they are not Embraced in the treaty because not residents Spanish territory, therefor outlaws and have been tried for piracy and rebellion, consequently have not had fair trials under the treaty

Williams, Consul General.

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

No. 2958.

INDEX BUREAU
REC'D.
MAY 13 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 8, 1896.

Mr. Williams
to the
Department of State.

File

Acknowledging receipt of and confirming telegrams, relative to the "Competitor".

No. 2958.

U.S. Consulate General.
Habana, May 8, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the following telegrams relative to the "Competitor" case:

(1) (May 2) "Yours of yesterday respecting "Competitor" passengers received and acted upon. What is situation to-day. Cable. "Olney!"

(2) (May 2) "If your position is that "Competitor" passengers must be tried

"tried by the regular
"Marine tribunal
"having jurisdiction
"in the like cases
"and not by Special
"court martial your
"position is approved
"and you are instructed
"to insist upon it.
"Olney."

(3) (May 6) "Report by
"cable upon present
"status of "Competitor"
"case. Give names
"of prisoners claiming
"to be American citizens.
"Olney."

(4) (May 8) "Competitor case:
"informed officially
"that only one American
"citizen was taken
"and is now under
"arrest: if possible
report

"report cable who,
"and where he is, on
"what charges held,
"and how treated.
"Olney."

(5) (May 8) "Competitor
"case: did American
"citizens have fair
"trial with opportunity
"to summon and
"examine witnesses
"and to be defended
"by counsel of their
"own selection and
"with all other legal
"guarantees."
"Olney."

And to confirm the
following of to-day:
(1) "Olney,
"Secretary of State,
"Washington, D.C.
"I have seen
prisoners

"prisoners this morning.
"Laborde, caystain "Com-
"petitor", tells me was
"born New Orleans and
"formerly was deputy
"sheriff Tampa, was
"going Lemon City with
"twenty four passengers
"when they seized the
"vessel by force putting
"pistol to his breast
"and took command.
"Off Cape Sable took
"on board twenty three
"men more. William
"Gildea, mate, born
"Liverpool, England,
"Ora Milton, born
"Kansas.

(2) "Olney,
"Secretary of State,
"Washington, D.C.
"In case of
"Competitor"; trial
terminated.

"terminated. Prosecuting
"officer asks penalty
"death for all, giving
"precedence to the local
"law relating to foreigners
"over the treaty and
"the protocol in this
"case. As the court
"and authorities here
"agree on this point
"I inform you for such
"diplomatic action
"you may deem proper.
"I am preparing remon-
"trance Captain General
"as the superior delegate
"of Spain in this
"Island."

(3) "Olney,
"Secretary of State,
"Washington, D.C.
"Competitor: American
"citizens have not had
"opportunity to summon
and

"and examine
"witnesses and to be
"defended by counsel
"of their own selection
"for their defence. Their
"only counsel at the
"trial was a Spanish
"naval officer. Captain
"General and Admiral
"both contend that
"they are not embraced
"in the treaty because
"not residents of
"Spanish territory.
"Therefore outlaws and
"have been tried for
"piracy and rebellion.
"Consequently have not
"had fair trial under
"the treaty."

I am, Sir,
Very respectfully
Your obt. servant.
Lyman O. Fillmore
Consul General

TELEGRAM RECEIVED IN CIPHER.

From Havana, May 9, 1896.

Received 3.40 P.M.

O L N E Y,

Secretary of State,

Washington, D.C.

Milton undoubtedly is a native born citizen. Laborde says he was born in New Orleans. Gildea in England, however, one being Master and the other Mate of an American vessel entitles them to the protection of the United States paragraph 172 Consular Regulations, based on Statutes and were therefore entitled to be tried under the Seventh Article of the treaty and in accordance with Fourth Article of the Protocol allowing them to name Attorneys and Advocates with all other mentioned guarantees instead of which they have had only a naval officer for their defense. Death sentence asked for by Prosecutor not yet imposed but execution twelve hours afterwards customary.

Williams,

Consul General.

INDEX BUR
REC'D
MAY 9 189

TELEGRAM RECEIVED.

ASSISTANT SECRETARY
MAY 9 1896
DEPARTMENT OF STATE

From Habana

9 May, 1896

Received 1.10 P M.

Olney

Secretary of State

Washington D.C.

I recommend that the attention of the Madrid Government be called at once to the unjustified delay on the part of the military jurisdiction in the cases of Calvar and Quark Santiago de Cuba, Pelletier, Cienfuegos and Gleams at Sagua. Consular efforts have been exhausted without effect.

Williams

Consul General.

ASSISTANT SECRETARY
MAY 13 1896
DEPARTMENT OF STATE.

No. 2959.

U.S. Consulate General
Habana, May 9, 1896.

INDEX BUREAU
REC'D.
MAY 13 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

Relating to case of Sehr
"Competitor"

Enclosure.

No. 2959.

U.S. Consulate General.
Habana, May 9th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to enclose a copy-
translation of the communi-
cation which under date 1/
of the 30th ultimo I addressed
the Admiral of the Spanish
West Indian Naval Station
asking for permission to speak
to the persons who were on
board the American schooner
"Competitor", when She was
captured. Said communi-
cation was forwarded to the
Admiral together with my
previous one to him of same
date, a copy and translation

2

of which I had the honor
to submit to the Department
with despatch No. 2940
of the 23 instant.

I am, Sir,
Very respectfully
Your obedient servant,
Ramm O. Williams
Consul General

One enclosure.
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No.2959.

H A B A N A , May 9,1896.

COPY- TRANSLATION.

U.S.CONSULATE GENERAL.

HABANA, April 30, 1896.

To His Excellency the Commandant General of Marine etc.

Excellency:

With reference to my previous communication of to-day relating to the case of the american schooner "Competitor" I beg Y.E. to please order that permission be granted me to speak with the persons who were on board said american vessel when she was captured.

I am, etc.

(Signed) Ramon O. Williams,

Consul General.

Copy.

Inst.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2960.

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 9, 1896.

Mr Williams
to the
Department of State.

File

Comprising telegram of to-day regarding Calvar, Duarte, Pelletier and the Gleaves cases.

No. 2960.

U. S. Consulate General.
Habana, May 9, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to confirm my telegram of to-day reading:

"Olney,
"Secretary of State,
"Washington, D. C.
"I recommend
"that the attention of the
"Madrid Government
"be called at once to
"unjustifiable delay
"on the part of the
"military jurisdiction
"in the cases of Calvar
"and Duarte, Santiago
"de Cuba, Pelletier,
Cienfuegos,

"Cienfuegos, and
"Gleduc at Sagua.
"Consular efforts have
"been exhausted instruct
"effects

I am, Sir,
Very respectfully,
Your obedient servant,
Lamar C. Williams,
Consul General

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2961.

U.S. Consulate General,
Habana, May 9, 1896.

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

Confirming and acknowledging receipt of telegrams relating to case of "Competitor."

No. 2961.

U.S. Consulate General.
Habana, May 9, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the following telegram from the Hon. Secretary of State:

"Has death sentence been imposed? When is it to be executed? Dupuy claims Milton is the only American citizen. How is it as to Laborde and Gildea?

Olney."

And

And to confirm my
answer reading:
"Olney, Secretary of State,
"Washington, D.C.
"Milton undoubtedly
"is a native born citizen.
"Laborde says he was
"born in New Orleans.
"Gildea, in England.
"However, one being
"master and the other
"mate of an American
"vessel entitles them
"to protection of the United
"States under paragraph
"hundred seventy one
"Consular Regulations
"based on Statutes,
"and were, therefore,
"entitled to be tried
"under seventh article
"of the treaty and in
"accordance with
"fourth article of the
"protocol, allowing
them

"them to name attorneys
"and advocates with all
"other mentioned
"guarantees, instead
"of which they have
"only had a naval
"officer for their defence.
"Death sentence asked
"for by prosecutor not
"yet imposed, but
"execution twelve hours
"afterwards is customary."

I am, Sir,
Very respectfully,
Your obedient servant,
Ramm A. Williams,
Consul General.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

No. 2962.

U.S. Consulate General
Habana, May 9, 1896.

Mr Williams
to the
Department of State.

Ackowledging receipt of telegram relative to Mrs. Pedro Casanova.

No. 2962.

U.S. Consulate General.
Habana, May 9, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to acknowledge the receipt of the Department's telegram reading:

"See that Pedro
"Casanova and family
"are insured full pro-
"tection due American
"citizens.

In consequence, I have informed Mr Casanova that in case he should have reason to fear any personal danger to himself or family to let

let me know at once
and I will immediately
present complaint and
ask for them due protection
from the Governor General.

I am, Sir,
Very respectfully,
Your obedient servant,
Thomas F. Williams,
Consul General.

Secretary of State.
MAY 18 1896

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2963.

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 9, 1896.

Mr Williams
to the
Department of State.

Expulsion of Mr. James Freeman and Mr. Frederick W. Lawrence, correspondents in this city of 'The World' and 'The Journal', of New York.

2 Enclosures.

No. 2963.

U.S. Consulate General.
Habana, May 9, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to enclose a copy-
translation of a communi-
cation addressed to this office
on the 5th instant by the
Secretary of the General Govern-
ment notifying this office of the
order of the Governor General
expelling Mr. James Creelman
and Mr Frederick T. Lawrence,
correspondents in this city
of "The World" and "The Journal",
of New York, respectively; because,
as alleged, of transmitting to
their papers false reports
regarding the insurrection.

I

2/ I also beg to enclose a copy of a letter addressed to me by Mr Creelman protesting against such action of the Captain General.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

2 Enclosures.
No. 1 - Communication referred to.
" 2 - Mr Creelman to Mr. Williams

Enclosure No.1.

With Despatch No.2963.

H A B A N A , May 9,1896.

TRANSLATION.

GENERAL GOVERNMENT of the ISLAND of CUBA.

OFFICE of the SECRETARY.

H.E.the Governor General of this island under yesterday's date has been pleased to issue the following decree:

"Whereas the american citizens Mr.James Creel-
"man and Mr.Frederick W.Lawrence,respective cor-
"respondents in this city of the New York papers
"THE WORLD" and "THE JOURNAL" forward to their
"papers false reports regarding the actual insur-
"rection,forging victories gained by the insur-
"gents and defeats by the Army,the one as illusory
"as the other ,attributing to the authorities and
"chiefs of columns acts of cruelty committed,and
"foretelling a fatal result of the war for the
"cause of Spain:which tends to encourage the par-
"tisans of separatism and to alienate public opinion
"in a country where such reports are published and
"circulate.- I hereby order,in use of the authority
"with which I am invested,that the said Mr.Creelman
"and Mr.Lawrence leave the island of Cuba by the
"first steamer sailing from this port for the
"United States".

By order of H.E.I have the honor to transmit to you the above for your information and proper effects.

I am, etc.

HABANA, 5 May, 1896.

(Signed) El Marques de Palmerola.

To the consul general of the United States, Present.

Enclosure No.2

With Despatch No.2963.

H A B A N A , May 9,1896.

COPY. HABANA,May 9,1896.

Ramon O.Williams,Esq.,

Consul General of the United States.

Dear Mr.Williams:

I have been informed by the provincial government of Havana that the Captain General of Cuba has issued a decree exiling me from this island. I recognize the right of Spain to withdraw at will the privilege of residence but I earnestly protest against the statements made in the Captain General's edict as false and malicious. I have from the very beginning of my journalistic work here offered to furnish General Weyler with abundant and legal evidence that his troops were killing peaceful non-combatants and reporting the occurrences as military conquests. I have tendered lists of the slain with minute particulars of the circumstances. The real offence for which I am exiled is that I have directed attention to the brutal and inhuman method of warfare employed by Spain in this Island, and have refused to telegraph the absurdly false official reports without investigation. It is inconvenient to the Captain General to have the truth known.

I desire to have this note placed on record with the notice of my banishment.

I am, etc. (Signed) James Creelman.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2964

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 9, 1896.

Mr Williams
to the
Department of State.

To Treasy Dept.

Com Brd
To Treasury

Relative to a naphtha launch for the use of the sanitary inspector attached to this office.

1 Enclosure.

No. 2964.

U.S. Consulate General,
Habana, May 9, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instruction No. 1303 of the 13th ultimo and to my despatch No. 2929 of the 29th of same relating to a hapsatha lancet for the use of the sanitary inspector attached to this office I beg to enclose a copy - translation of a communication received to-day from the Secretary of the General Government informing me by order of the Governor General that my request of the 28th ultimo

relative

relative to said launch has been referred to the Admiral of this Naval station.

I am, Sir,
Very respectfully,
Your obedient servant,
Lamm O. Williams,
Consul General.

1 Enclosure:
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No.2964.

H A B A N A , May 9,1896.

TRANSLATION.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

OFFICE of the SECRETARY.

HABANA, May 7,1896.

To the consul general of the United States,

Present.

Sir:

I have the honor to inform you by order of His Excellency the Governor General, that, under this date, your communication of the 28th ultimo has been referred to the Admiral of the Spanish West Indian Naval Station because it being of his exclusive jurisdiction to furnish that consulate general with a steam launch for the use of its Sanitary Inspector.

I am, etc. Habana, May 7, 1896.

(Signed) El Marques de Palmerola.

Secretary of State.
MAY 12 1896

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

From Havana, May 11, 1896.

Received 3.16.P.M.

Confirmed in No 2966 from Habana

O L N E Y,

Secretary of State,

Washington, D.C.

Admiral has advised Consul General of Great Britain that Madrid Government has ordered suspension of effects of the COMPETITOR proceedings and their transmission to Supreme Council Madrid.

Williams,

Consul General.

Deciphered by Biddle.

acknowledged

J. C.

12. 0.

Secretary of State.
MAY 11 1896

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

TELEGRAM RECEIVED. Cipher

From Havana

May 11, 1896

Received 9:48 a M.

Olney
Secretary of State
Washington, D.C.

Confirmed in No. 2965. from Habana

Admiral having adhered to opinion of the Judge Advocate making treaty subordinate local law for trial Competitore men and having twice rejected my protests against the procedure, I addressed Captain General, on the 8th instant, declining in him, as the superior delegate of the authority of the King of Spain, the responsibility of the consequences, and he has advised me that he has informed Government of His Majesty of my protests; but meantime I learn from good source that the men have been sentenced to death, notwithstanding the proceedings show they were captured without arms in hand.

Williams
Consul General

a Barnsley

Apo

R.D

No.

Havana,
May 11. 1896.

FORM No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
59	Wu	28	US Sovil	Havana

DEPT. OF STATE
MAY 11 5 00 PM 1896
CHIEF CLK'S OFFICE
RECEIVED

RECEIVED at Washington DC May 11 1896

Assistant Secretary of State
Washn DC
My Communication thirtieth
April asking provisional
detention martin for extradition
as yet unanswered shall repeat
request Williams Consul General

Copy.

Arrit

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2965.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

U.S. Consulate General
Habana, May 11, 1896.

Mr. Williams

to the

Department of State.

Confirming telegram of to-day relating to case of "Competitor."

No. 2965.

U. S. Consulate General
Habana, May 11, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to confirm my telegram of to-day reading:

"Clancy,
"Secretary of State,
"Washington, D. C.
"Admiral having
"adhered to opinion of
"the judge advocate
"making treaty subordinate
"to local law for trial
"Competitor" men and
"having twice rejected
"my protests against the
"procedure, I addressed
"captain general on
the

"the eighth instant
"declining in him as
"the superior delegate
"of the authority of the
"King of Spain the
"responsibility of the
"consequences and he
"has advised me that
"he has informed
"Government of His
"Majesty of my protest;
"but meantime I learn
"from good source
"that the men have
"been sentenced to
"death notwithstanding
"the proceedings show
"they were captured
"without arms in
"hand."

I am, Sir,
Very respectfully,
Your obedient servant,
Raymond D. Williams,
Consul General.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2966.

U. S. Consulate General,
Habana, May 11, 1896.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Confirming telegram of to-day regarding "Competitor" case.

No. 2966.

U.S. Consulate General,
Habana, May 11, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

I beg to confirm my telegram of to-day reading:

"Olney,
"Secretary of State
"Washington, D.C.
"Admiral has ad-
"vised Consul general of
"Great Britain that Madrid
"Government has ordered
"suspension of effects of
"the "Competitor" proceedings
"and their transmission
"to Supreme Council Madrid."

I am,
Sir,

Sir, very respectfully,
Your obedient Servant,
Lamm A. Williams,
Colonel General.

Buyer.

Amist

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2967.

U. S. Consulate General.
Habana, May 11, 1896.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

F-W

Acknowledging the
receipt of Department's telegram
relative to the 'Competitor' case.

No. 2967.

U. S. Consulate General.
Habana, May 11th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to acknowledge the receipt of the Department's cypher telegram of to-day reading:

"Confidential: Competitor
"case: Execution of
"death sentences upon
"American citizens suspended
"pending diplomatic considera-
"tion of their rights under the
"treaty and protocol.
"Olney."

I am,
Sir,
very

Very respectfully,
Your obedient servant,
Ramon O. Williams,
Brig. Gen'l.

Sent
per hand. last paragraph
Wh

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

No. 2968.

U.S. Consulate General.
Habana, May 11, 1896.

Mr. Williams
to the
Department of State.

Acknowledging receipt
of Department's telegram of
the 9th instant relating to case
of "Competitor."

No. 2968.

U.S. Consulate General.
Habana, May 11, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to acknowledge the receipt of the Department's telegram of the 9th instant reading:

"Have urged upon
"Spanish Government
"through Dupuy and
"our Minister Madrid
"that recent Havana
"court martial sentences
"upon American citizens
"should not be executed
"until this Government
"is satisfied that it
"ought not to interpose,

for

"for which purpose it
"needs and asks for
"record of proceedings
"of court, charges, evidence,
"and should be officially
"informed what oppor-
"tunities of defence
"defendants had through
"counsel of their own
"choice, examination
"and summoning of
"witnesses and otherwise.
"Make same representa-
"tions and request to
"Governor General, urging
"that request of United
"States which would be
"proper in any case, is
"specially so in view
"of extremely questionable
"jurisdiction of the court
"martial, which can
"be justified only by
"a new, strained technical
"construction of treaty
stipulations

"stipulations and which
"is contrary to their
"fair interpretation
"and to the intent of the
"parties at the time
"they were entered into
"as clearly shown by
"their correspondence.
"Olney.

In consequence, I addressed a communication to the Governor and Captain General in the same sense, almost word for word.

I am, Sir,
Very respectfully
Your obedient servant,
James D. Williams,
Consul General.

"Habana"

Secretary of State.
MAY 13 1896

INDEX BUREAU
REC'D.
MAY 13 1896
DEPT. OF STATE

Lynchburg, Va., May 12, 1896.

Hon. Richard Olney,

Secretary of State,

Washington, D.C.

Sir:-

I will report at your office on Friday morning next.

Very respectfully, your obedient servant,

Fitzhugh Lee

240

INDEX BUREAU
REC'D.
MAY 15 1896
DEPT. OF STATE

CABLE MESSAGE.

Confirmed in No 270 from Habana.

HAVANA,

Received at Washington,
May 12, 1896.

OLNEY,
Secretary of State,
Washington, D.C.

Urgent. The afternoon newspapers report that two American citizens, Charles Barnett and William Leavitt captured on land, forming part of the Competitor expedition, are to be tried by ordinary court martial of the marine jurisdiction. I beg that immediate instruction be given to our legation, Madrid, to ask suspension of the effects of the trial until our Goverment can be satisfied it is in conformity with the treaty, for I apprehend the condition of the treaty will not be observed.

WILLIAMS,
Consul General.

Acknowledgment

Title

R-O-

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

No. 2969.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 12, 1896.

Mr. Williams

to the

Department of State.

Acknowledging receipt and confirming telegram relating to extradition case of Juan Urrialde Martin alias Gonzalez.

No. 2969.

U. S. Consulate General.
Habana, May 12, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of yesterday reading:

"Has Provisional
"detention Martin alias
"Gonzalez been granted.
"Cable.
"Rockhill."

To which I answered as follows:

"My communication
"thirtieth April asking
"provisional detention Martin
"for extradition is yet
unanswered.

"unanswered. Shall
"repeat request.

In consequence I addressed yesterday a communication to the Governor General repeating my request of the 30th ultimo.

I am, Sir,
Very respectfully
Your obedient servant,
Lamm A. Williams,
Consul General.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

file.

No. 2970.

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

U.S. Consulate General
Habana, May 12, 1896.

Mr. Williams
to the
Department of State.

Confirming my telegram of to-day relating to Charles Barrett and William Leavitt, two American citizens forming part of the 'Competitor' expedition, captured on land.

No. 2970.

U. S. Consulate General.
Habana, May 12, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

I beg to confirm my telegram of to-day reading.

"Olney,
"Secretary of State,
"Washington, D. C.
"Urgent. This
"afternoon newspapers
"report that two American
"citizens Charles Barrett
"and William Leavitt
"captured on land
"forming part of the
"Competitor expedition
"are to be tried by ordinary
"court martial of the
Marine

"Marine jurisdiction.
"I beg that immediate
"instructions be given
"to our legation Madrid,
"to ask suspension
"of the effects of the
"trial until our govern-
"ment can be satisfied
"it is in conformity
"with the treaty for I
"apprehend the conditions
"of the treaty will not
"be observed."

I am, Sir,
Very respectfully,
Your obedient servant,
Robert S. Williams,
Consul General.

Secretary of State.
MAY 14 1896

TELEGRAM RECEIVED. Cipher

INDEX BUREAU
REC'D.
MAY 16 1896
DEPT. OF STATE

From Havana

May 13, 1896

Received 7:50 P.

Olney

Secretary of State

Washington, D.C.

Conformed in No 2971 from Habana.

In reply to my yesterday's communication asking for the application of the treaty and protocol to the trial two Americans Competitor crew and suspension of execution in case of death sentence until I could inform you, Captain General advises me officially that American citizens are tried according to the treaty between Spain and the United States, and further that no death sentence will be executed without approval of His Majesty's government.

Williams

Consul General.

Acknowledged
Col. R.O.

ASSISTANT SECRETARY
MAY 19 1896
DEPARTMENT OF STATE.

No. 2971.

U.S. Consulate General
Habana, May 13, 1896.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Confirming my telegram of to-day relative to "Competitor" cases.

No. 2971.

U. S. Consulate General.
Habana, May 13, 1896

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to confirm my telegram of to-day reading:

"Olney,

"Secretary of State

"Washington, D. C.

"In reply to my "yesterday's communica- "tion asking for the ap- "plication of the treaty "and Protocol to the trial "two Americans "Competitor" "Crew and suspension of "execution in case of death "sentence until I could "inform you, the Captain

General

"General advises me
"officially that Amer-
"ican citizens are
"tried according to the
"treaties between Spain
"and the United States;
"and further that no
"death sentence will
"be executed without
"approval of His Majesty's
"Government."

I am, Sir,
Very respectfully,
Your obedient servant
James A. Williams,
Consul General.

Cons. Bur.
Confirm with answer. File

INDEX BUREAU
REC'D.
MAY 14 1896
8 P.M.
DEPT. OF STATE
Rochester

ASSISTANT SECRETARY
MAY 15 1896
DEPARTMENT OF STATE.

Consulate General of the U.S.
Havana, May 14. 1896.

Recd. May 22.

FORM No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, President and General Manager.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FIVE ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

All Offices (21,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: No. 8 Rumford Street.
GLASGOW: No. 29 Gordon St. and No. 4 Waterloo St.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
CO FV PR.	FV	PR.	US COvt	44 Havana.

RECEIVED at 723PM Washington DC May 14th.1896. 189

May 14. M Assistaht Secretary Of State Washingtpn DC.

Governor General informs me that Transcript of my communica -tion thirtieth ultimo asking detention for Extradition of Juan Urrialde Martin has been sent to Judge Having Cognizance who has not yet replied

Williams Consul General.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

Cuba
May 22.

Habana
May 15. 1896.

Form No. 3. file

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BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
234 G	Cr	Ls	51	U S Govt Havana

RECEIVED at Washn DC 447 P May 15 1896

Assistant Secretary of State Washn DC

Referring to my dispatch second instant I stated that Martin was under arrest extradition papers can be sent by pouch for officer is not needed until order for extradition is granted by Governor General then I will telegraph for officer

Williams Consul General

RECEIVED
CHF. CLKS. OFFICE
MAY 15,5.10PM 1896
DEPT. OF STATE

b. 11

ASSISTANT SECRETARY
MAY 19 1896
DEPARTMENT OF STATE.

No. 2972.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

U. S. Consulate General

Habana, May 15 1896

Mr. Williams

to the Mr. Faison

Department of State.

DIPLOMATIC BUREAU
JUN 4 1896

Transmitting a claim against the Spanish Government by Miss Teresa Joerg.

One enclosure.

No 2972.

U. S. Consulate General

Habana, May 15 1896

Hon: William W. Rockhill,

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Miss Teresa Boerg, a citizen of the United States, in which is embodied a claim against the Spanish Government for the amount of two thousand five hundred

hundred dollars, for the destruction by the insurgents of her property - a house situated in Sta Maria del Rosario, in this province.

I am, Sir,

very respectfully

your obedient servant,

Jam. V. Williams,

Consul General.

Enclosure:

Claim presented by Miss Teresa Joerg.

Enclosure No.1.

With Despatch No. 2972,

H A B A N A , May 15, 1896.

COPY.

HABANA, May 12th, 1896.

RAmon O. Williams, Esquire.

Consul General of the United States.

HABANA.

Sir:

The undersigned, TERESA JOERG, respectfully represents;

that she is a native born citizen of the United States, native of the State of Illinois, town of Belleville, St. Clair County;

that she has been for over twenty five years a resident of this island, engaged in teaching;

that she is the owner of a house situated in the outskirts of the village of Sta MARIA del ROSARIO, Calle Real or Main Street, No. 71, in this Province of HABANA; which she had built to rent during the summer season;

that on the 9th of February last, the said place was invaded by the insurgents, ---subjects of Spain in revolt against the Spanish Government in this Island,-- said to be a band numbering fifty men, who set fire to all the buildings in the neighborhood, including the house belonging to this appear-

er, and which was totally destroyed; its value being two thousand five hundred dollars; $ 2,500.-

WHEREFORE she doth solemnly and publicly proteast against the loss of her property which she has suffered due to the lack of protection from the Spanish Government; and considers that she is entitled to an indemnity from the Spanish Government to the said amout of her loss, two thousand five hundred dollars, spanish gold, and doth hereby formally make demand and claim upon the said Spanish Government for said amount, with interest thereon till time of payment and such further relief as may be accorded her.

(Signed) TERESA JOERG.

-----o-----

U.S.CONSULATE GENERAL.

HABANA, CUBA.

BE IT KNOWN, that on this 12th day of May, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Miss TERESA JOERG, a citizen of the United States, to me personally known and known to me to be the person named in the foregoing instrument of the nature of a protest and claim against the Spanish Government, to which she hath subscribed her name, and duly sworn, deposed to the facts therein set forth which she declares to be true.

WITNESS my hand and the seal of this Consulate General, this 12th May, 1896.

(Signed) RAMON O.WILLIAMS.
Consul General.

A true copy:
Consul General.

ASSISTANT SECRETARY
MAY 19 1896
DEPARTMENT OF STATE.

No. 2973.

U.S. Consulate General.
Habana, May 15, 1896.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State

Ans

Confirming my telegram of yesterday relative to extradition case of Juan Urrialde Martin.

No. 2973.

U. S. Consulate General.
Habana, May 15th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington, D. C.

Sir:

I beg to confirm my telegram of yesterday reading:

"Assistant Secretary of State,
"Washington, D. C.

"Governor General informs "me that transcript of my "communication thirtieth "ultimo, asking detention for "extradition of Juan Uriolde "Martin, has been sent to Judge "having cognizance, who has not "yet replied."

I am, Sir,
Very respectfully,
Your obedient servant,

Lamm S. Williams,
Consul General

ASSISTANT SECRETARY
MAY 19 1896
DEPARTMENT OF STATE.

No. 2974.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, May 15, 1896.

Mr Williams
to the
Department of State.

Tel

Ackowledging receipt of and confirming telegram of today relating to extradition case of Juan Urrialde Martin.

No. 2974.

U. S. Consulate General.
Habana, May 15th 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of this date reading:

"Officer ready to
"leave with Martin
"extradition papers. Is
"provisional detention
"granted?
"Rockhill."

To which I had the honor to answer as follows:

"Assistant Secretary
"of State. Washington, D.C.
"Referring to my
dispatch

"despatch second
"instant, I stated
"that Martin was
"under arrest. Extradition
"papers can be sent by
"pouch, for officer is
"not needed until order
"for extradition is
"granted by Governor
"General. Then I will
"telegraph for officer."

I am, Sir,
Very respectfully,
Your obedient Servant,
James R. Williams,
Consul General.

Copy.

ASSISTANT SECRETARY
MAY 16 1896
DEPARTMENT OF STATE.

Mr Faison,

Acted. May 22;

TELEGRAM RECEIVED.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

From Habana

May 16, 1896.

Assistant Secretary of State,

Washington,

D.C.

Received 8^45 P. M.

Martin is arrested and is held for offense committed here. I notice disposition to evade his extradition based on sixth and eighth articles of the treaty. I doubt if request for provisional detention will be granted.

Williams,
Consul General.

[Decipthered by Carr]

Secretary of State.
MAY 18 1896

TELEGRAM RECEIVED IN CIPHER.

From Havana, May 16. 2.10.P.M.

Received 2.10 P.M.

Confirmed in No. 29 '96 from Habana

OLNEY,

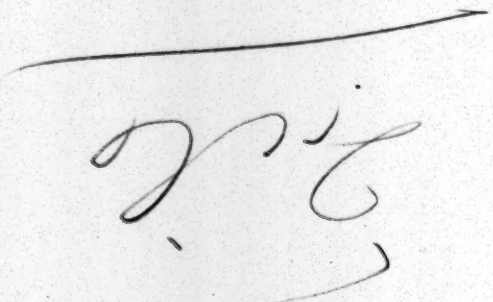
Secretary of State,

Washington, D.C.

I am preparing correspondence relating to the COMPETITOR case which is voluminous and important, mostly in Spanish, which I am translating. Cannot be transmitted before next week.

Williams,

Consul General.



ASSISTANT SECRETARY
MAY 19 1896
DEPARTMENT OF STATE.

No. 2975.

INDEX BUREAU
REC'D.
MAY 19 1896
DEPT. OF STATE

U.S. Consulate General
Habana, May 16, 1896.

Mr. Williams
to the
Department of State.

Confirming telegram
relative to Chinese passengers.

No. 2975.

U.S. Consulate General.
Habana, May 16, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to confirm my telegram of to-day reading:

"Assistant Secretary of State,
"Washington, D.C.

"Please advise
"Secretary Treasury that I
"am informed that of the ten
"chinese sailed "Seneca"
"Thursday morning for
"New York, three had false
"passports."

I am, Sir,
Very respectfully,
Your obedient Servant,
Ram. O. Williams.
Consul General.

ASSISTANT SECRETARY
MAY 21 1896
DEPARTMENT OF STATE.

No. 2976.

U. S. Consulate General,
Habana, May 16, 1896.

INDEX BUREAU
REC'D.
MAY 21 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Confirming my telegram of to-day relative to Competitor's case.

No. 2976.

U.S. Consulate General.
Habana, May 16, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I beg to confirm my telegram of to-day reading:

"Olney,
Secretary of State,
Washington, D.C.
'I am preparing
'correspondence relating
'Competitor case, which
'is voluminous and
'important. Mostly in
'Spanish, which I am
'translating. Cannot be
'transmitted before next week."

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

See letter to atty Gen. May 18.

Relsd. July 25.

58

TELEGRAM RECEIVED.

From Havana

May 18, 1896.

Assistant Secretary of State, Received 2-31 P.M.

Washington, D.C.

Doctor Montalvo could not go by last Saturdays Steamer on receipt your telegram tells me today can leave Wednesday twentieth Via Tampa that he can make no reductions in his terms. Instruct me if Hewecker trial can be delayed until his arrival + if he shall leave on Wednesday

Williams,
Consul General.

2977

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2927.

INDEX BUREAU
REC'D.
MAY 25 1896.
DEPT. OF STATE

U. S. Consulate General.
Habana, May 19 1896

Mr. Williams

to the

Department of State.

Registration of Mr. Andres Cavonai y Rodriguez, in conformity with instruction No. 1352.

No: 2977

U. S. Consulate General
Habana May 19th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington, D.C.

Sir:

In acknowledgement of the Department's instruction, no. 1352, of 28th April last, relative to the registration in this office, as a citizen of the United States, of Mr. Andres Carbonai y Rodriguez, I have the honor to state that under date of the 17th instant, I have entered said Andres Carbonai y Rodriguez in the register of citizens of this Consulate general, under no 4639, and furnished to him the corresponding certificate of his inscription as a

native born American citizen,
for him to present to the Civil
Governor, and provide himself
with a cedula.

I am, Sir, very respectfully
Your obedient servant,
James O. Kilbreath
Comm. General.

No. 2978.

U.S. Consulate General.
Habana, May 18th, 1896.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

Mr. Williams

to the

Department of State.

Jim

Acknowledging the receipt of and confirming telegram relative to extradition case of Urrialde Martin.

No. 2978.

U.S. Consulate General.
Habana, May 18th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of the 16th instant reading:

"Department knew
"Martin was under arrest.
"Is his provisional detention
"for extradition granted?
"Rockhill."

To which I answered on the same day as follows:

"Assistant Secretary
"of State. Washington, D.C.
"Martin is arrested
and

"and is held for
"offense committed here.
"Of notice disposition
"to evade his extradi-
"tion based on sixth
"and eighth articles
"of the treaty. I doubt
"if request for pro-
"visional detention
"will be granted."

I am, Sir,
Very respectfully,
Your obedient servant
Lamm O. Williams,
Consul General.

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2979.

U. S. Consulate General.
Habana, May 18, 1896.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT OF STATE

Mr. Williams
to the
Department of State.

Acknowledging receipt of and confirming telegram relative to Hendricks's trial in New York.

No. 2979.

U.S. Consulate General.
Habana, May 18th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of the 16th instant reading:

"Attorney General
"desires Dr. Montalvo to
"start for New York im-
"mediately. Heweeker
"trial May twentieth or
"twenty first. If possible
"make better terms.
"Rockhill."

And to confirm my telegram of to-day in answer

answer, as follows:

"Assistant Secretary of
"State. Washington, D.C.
"Doctor Montalvo could
"not go by last Saturday's
"steamer on receipt your
"telegram. Tells me to-day
"can leave Wednesday
"twentieth, via Tampa, -
"that he can make no
"reduction in his terms.
"Instruct me if Hewetter
"trial can be delayed
"until his arrival and
"if he shall leave on
"Wednesday."

I am, Sir,
Very respectfully,
Your obedient Servant,
James D. Williams
Consul General.

File

Havana, May 19, 1896.

Recd. at Washington 8:07 p.m.

OLNEY,
Secretary of State,
Washington, D.C.

In reply to your cipher telegram, Proclamation of the Governor General appearing in official Gazette to-day forbids exportation of leaf tobacco produced in the provinces Pinar del Rio and Havana except as it may be needed for Spain, granting ten days for exportation of only that contracted for before the sixteenth instant, the date of the proclamation, on the expiration of which term Custom Houses to refuse permits shipments to foreign countries, and all transgressors to be considered as aidors and abettors of the rebellion with confiscation of their said goods. Several American and foreign merchants inform me they have contracted, bought, hold and paid for large amounts of merchandise referred to (for American account)* and they cannot ship it within term as fixed upon and therefore great damages

will befall their correspondents if the proclamation Governor General be carried out. I beg to call your attention thirteenth article of the treaty seventeen ninety-five granting a year to Spaniards in the United States and Americans in the Dominions of Spain in case of war between the two nations for collecting and transporting their goods and merchandise, but now with peace between the two nations Governor General only grants ten days in Spanish Dominions to remove this American property, also sixth, eleventh, fifteenth and sixteenth articles of the Treaty referred to provide for reciprocal protection to effects of the respective properties.

WILLIAMS,
Consul General.

* Correction made by telegram received later.

J.M.B.

Tobacco
Order

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2980

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 19, 1896.

Mr. Williams
to the
Department of State.

Acknowledging receipt and confirming telegram relative to exportation of tobacco, &c.

No. 2980.

U.S. Consulate General.
Habana, May 19, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of yesterday reading:

"Has Government
"prohibited exportation
"of tobacco. When does
"order take effect? Cable
"full particulars.
"Olney."

To which I have answered to-day as follows:

"Olney, Secretary of State,
"Washington, D.C.
"In reply to your
cypher

"cypher telegram:
"Proclamation
"of Governor General
"appearing to-day in
"Official Gazette forbids
"exportation of leaf
"tobacco produced
"in provinces Pinar
"del Rio and Habana,
"except as it may be
"needed for Spain,
"granting ten days
"for exportation of
"only that contracted
"for before sixteenth
"instant, date of
"proclamation. On
"the expiration of which
"term custom houses
"to refuse permits ship-
"ments to foreign
"countries, and all
"transgressors to be
"considered as aiders
"and abettors of the
rebellion,

"rebellion, with confi-
"fiscation of their said
"goods. Several American
"and foreign merchants
"inform me they have
"contracted, bought, sold,
"and paid for, large
"amounts of merchandise
"referred to for American
"account and they
"cannot slip it within
"term as fixed upon,
"and, therefore, great
"damages will befall
"their correspondents
"if the proclamation
"of the Governor General
"be carried out. I beg to
"call your attention
"thirteenth article of the
"Treaty seventeen
"ninety-five granting
"a year to Spaniards
"in the United States
"and Americans in
the

"the dominions of
"Spain in case of
"war between the two
"nations for collecting
"and transporting their
"goods and merchan-
"dise, but now with
"peace between the
"two nations Governor
"General only grants
"ten days in Spanish
"dominions to remove
"his American property.
"Also sixth, eleventh,
"fifteenth and sixteenth
"articles of the Treaty
"referred to provide for
"reciprocal protection
"to effects of the res-
"pective properties."

I am, Sir, very respectfully,
Your obedient servant,
Kamm S. Dillingham
Consul General.

ASSISTANT SECRETARY
MAY 29 1896
DEPARTMENT OF STATE

No. 2981.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, May 19, 1896.

Mr. Williams

to the

Department of State.

Confirming telegram of to-day.

No. 2981.

U. S. Consulate General.
Havana, May 19, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington
D. C.

Sir:

I beg to confirm my telegram of to-day reading.

"Olney,
"Secretary of State,
"Washington, D.C.
"In my telegram
"of to-day just after groups
"31929-46513 insert
"for American account."

I am, Sir,
Very respectfully,
Your obedient servant,
Lam O. Williams
Consul General.

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2982.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

U.S. Consulate General,
Habana, May 19, 1896.

Mr. Williams
to the
Department of State.

Enclosing proclamation of Governor General prohibiting the exportation of leaf tobacco.

1 Enclosure

No. 2982.

U.S. Consulate General.
Habana, May 19th 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my cypher telegram of this date, confirmed in my number 2980, in answer to the one sent me yesterday by the Honorable Secretary of State, inquiring if the Government here had prohibited the exportation of tobacco, and as to when the order is to go into effect, I now have the honor to enclose for the information of the Department a clipping, with translation, from to-day's official Gazette

Gazette producing the proclamation of the Governor General, issued the 16th instant, prohibiting the exportation of leaf tobacco, the product of the provinces of Pinar del Rio and Habana, with the exception of such as may be needed for Spain, limiting the shipment to other countries to the term of ten days after the date of the proclamation; and all violators of its clauses to be considered as aiders and abettors of the rebellion, with confiscation of their tobacco.

I am, Sir,
Very respectfully,
Your obedient servant,
Jam[illegible] [illegible]
Consul General.

Enclosure.

ORDENO Y MANDO

Artículo 1º Queda prohibida temporalmente y mientras subsistan las circunstancias anormales por que atraviesa esta Isla, la exportación del tabaco en hoja producido en las provincias de Pinar del Río y Habana, excepto el que demanden las necesidades de la Península.

Art. 2º Se concede un plazo de diez días, desde esta fecha, para la exportación del tabaco de las procedencias expresadas, por virtud de contratos otorgados con anterioridad al presente Bando. Transcurrido dicho plazo, las Aduanas de la Isla no darán curso á las pólizas de exportación, ni permitirán su embarque.

Art. 3º Las Compañías de ferrocarriles y todas las Empresas de transportes marítimos y terrestres no admitirán para su conducción á otras provincias, tabaco de las procedencias indicadas, cuya exportación á la Península queda únicamente autorizada por el puerto de la Habana.

Art. 4º Para no privar al Tesoro de los recursos que hubiera de proporcionarle la exportación del tabaco en hoja de Vuelta Abajo y partidos, los fabricantes de la Habana concertarán con la Hacienda el pago de las cantidades en que se estime aquel rendimiento, tomando por base el promedio de los valores obtenidos durante el último trienio, cuyo compromiso subsistirá mientras no se modifique el vigente Arancel de exportación.

Art. 5º Los contraventores de este Bando, serán considerados como auxiliares de la rebelión, sin perjuicio del comiso del género que se venderá por la Administración, entregando su importe, como premio, al aprehensor ó aprehensores. Las Empresas de transportes y los individuos que coadyuven á la exportación clandestina del tabaco, incurrirán además en una multa de cien á quinientos pesos, exigible en papel de pagos al Estado, que se distribuirá en la forma siguiente: el 50 por 100 para la Hacienda y el resto á repartir entre los que hayan intervenido en la denuncia y aprehensión.

Art. 6º La Intendencia general de Hacienda dictará las reglas necesarias para la ejecución de las precedentes disposiciones.

Habana, 16 de Mayo de 1896.

Valeriano Weyler.

Enclosure No.1.

With Despatch No. 2 9 8 2 .

H A B A N A , May 19 1896.

Copy-translation.

-----o-----

Translated by Consul General WILLIAMS.

-----o-----

The present difficult situation of the cigar manufacturing trade in this city, arisen from the constant destruction of the tobacco crop by incendiary fires, and the daily destruction of the elements of production by the insurgents, the enemies of property, family and the public peace, might possibly reach a still more critical period, if some preventive measure, indispensable under the present circumstances, is not promptly adopted to counteract the effects of those desolating and ruinous proceedings.

The manufacturers, workmen, merchants and all others who live and depend in this Island on this branch of business, having become justly alarmed at sight of the immense damages and grave dangers that overhang them from the want of the necessary supply of leaf tobacco to keep the factories employed ; it has, therefore, become the duty of the Government to exercise its foresight, and although I am not unaware of the prejudices, jealousies and interested motives existing, and, in fine, the opposition to be encountered to convince the

public mind that the welfare of the country is the supreme interest and above the personal convenience and desires of individuals; and convinced, after calm and careful investigation of the subject, of the necessity of the immediate application of some preventive measure, and alike encoraging to the loyal interests of Spain, and giving at the same time a hard blow to those who persist in the insensate undertaking of her destruction.

Therefore, in the exercise of the faculties invested in me,

I ORDER and COMMAND;

Article First.-It is hereby temporarily forbidden, that while the present abnormal state of the Island lasts, to export leaf tobacco produced in the provinces of Pinar del Rio and Habana, except such as may be needed for Spain.

Article Second: A term of ten days is granted from this date for the exportation from the said provinces of tobacco contracted before the issue of this Proclamation. After the expiration of this term, the custom-houses of the Island will not issue shipping permits.

Article Third: The Railroad companies and all companies transporting by land or sea will not admit for conveyance into any other province, tobacco of the kind mentioned, the exportation of which to Spain, is only authorized through the port of Habana.

Article Fourth: In order not to deprive the Treasury of the revenues that would be afforded it by the

exportation of leaf tobacco of Vuelta Abajo and partidos(Pinar del Rio and Habana,) the manufacturers of Habana will agree with the Treasury, on the payment of the amount that may be estimated as fair and just, taking as basis the average of the amount collected during the last three years, which obligation will last so long as the present export duties are not changed.

Article Fifth: The violators of this Proclamation will be considered as abettors of the rebellion, with confiscation of their merchandise by the Customs authorities, and delivery of the proceeds to the apprehenders as a reward. The transportation companies and those persons who co-operate in the clandestine exportation of tobacco, will incur besides, in a fine of one hundred to five hundred dollars, payable in stamp paper, which will be distributed in the following form: fifty per cent to the Treasury, and fifty per cent to those who have taken part in the denunciation and seizure.

Article Sixth: The Intendancy General will dictate the necessary rules for the execution of the above provisions. --

HABANA, May 16th, 1896.

(Signed) VALERIANO WEYLER.

Enclosure No. 1
With Despatch No. 2982.
Habana, May 19, 1896.

GACETA DE LA HABANA

Martes 19 de Mayo de 1896

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

BANDO

DON VALERIANO WEYLER Y NICOLAU, Marqués de Tenerife, Gobernador General, Capitán General de la isla de Cuba y General en Jefe de este Ejército, etc., etc.

La difícil situación de la industria fabril tabacalera en esta capital, por consecuencia de los constantes incendios de la materia prima, y la destrucción de los elementos de producción que á diario ejecutan los insurrecctos, enemigos de la propiedad, de la familia y del sosiego público, pudiera llegar á su período más crítico, si con urgencia no se adoptara una medida transitoria, indispensable en las actuales circunstancias, para contrarrestar los efectos de aquellos procedimientos de desolación y ruina.

Los fabricantes y obreros, los comerciantes y cuantos viven y dependen en esta Isla de tan importante ramo, no han podido menos de alarmarse ante los inmensos daños y graves peligros que pudiera ocasionar la falta de tabaco en rama, necesario para el trabajo normal de las fábricas de la Habana. Era, pues, deber de la Administración pública, acudir á una medida previsora de tan sensible resultado; y aunque no se me ocultan las preocupaciones, los recelos y miras interesadas, los errores, en fin, que será preciso combatir para llevar al ánimo de todos el convencimiento de que al interés supremo de la Patria, han de supeditarse toda clase de intereses y conveniencias, seguro, después de detenido y maduro estudio, de la oportunidad y necesidad de la medida, forzoso es acometerla con enérgico y decidido empeño de modo tal que al propio tiempo que se fomentan intereses leales á la causa de España, reciban rudo golpe los que persisten todavía en la insensata empresa de su aniquilamiento.

En su virtud, haciendo uso de las atribuciones que me competen,

Secretary of State.
MAY 26 1896

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2983.

U.S. Consulate General.
Habana, May 20, 1896.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

Mr Williams
to the
Department of State

Recd. May 28.

Edward J. Fale
R.C.

Enclosing order of the Governor General suspending action of the courts of justice in all suits for the collection of mortgages and other specified credits till the 30th of April 1897.

1 Enclosure.

No. 2983.

U. S. Consulate General.
Habana, May 20th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to call the attention
of the Department to the
accompanying order of the
Governor General, dated the
15th instant, clipped from
the official Gazette, and
which has been submitted
for approval to the Home
Government, suspending
the action of the courts of
justice in all suits for
the collection of mortgages
and other specified debts
till the 30th of April, 1897.

As

As there are many persons in the United States who now hold mortgages on sugar plantations owned by inhabitants of this Island, the carrying out of this order, would be injurious to them; and, therefore, violative of article 20 of the Treaty of 1795, which agrees that:

"The inhabitants
"of the territories of
"each party shall
"respectively have free
"access to the courts
"of justice of the other &c.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams
Consul General.

1 Enclosure

Enclosure No.1.

With Despatch No. 2983.

H A B A N A , May 19, 1896.

Copy-translation.

Translated by Consul General WILLIAMS.

-----o-----

GOVERNMENT GENERAL of the Island of Cuba.

Office of the Secretary General.

Bureau of GRACE and JUSTICE.

-----o-----

His Excellency the Governor General, in view of the petition presented by the Board of Planters and Agriculturists of this Island, soliciting the temporary suspension of judicial proceedings against planters, and with application by analogy of certain precepts of the existing Civil and Mercantile Codes, and taking into consideration the enlightened reports of the General Council of Administration, H.E. by decree of the 13th instant, has ordered that the Supreme Government be asked to approve his decree embracing the following clauses:

First:----Mortgage credits due or that may become due from this date, will be considered as prorogued till the 30th of April of 1897.

Second:---All law suits commenced for the collection of such credits, will also remain in suspense.

Third:----The same provision will be applied to ground rents due or that may become due from this date, and also the suits commenced for their collection.

Fourth:---All cases of attachment of immovable property, or of which preventive notice has been taken of the demand in the Register of property, will remain in suspense during the said term all proceedings commenced or that may be commenced for the execution of sentences in all suits of any kind.

Fifth:----The proceedings for the collection of contributions, royal dues, or credits of any kind belonging to the Government, province or municipality, will continue to their conclusion on rents, personal property or live stock of the debtor; but with respect to his immovable property, such proceedings can only continue to the stage of attachment and notation in Register of Property, during the said term ruling till the 30th of April of 1897, upon the expiration of which the effects of the suspension will then cease, the legal proceedings will continue in the usual order.

And it being also ordered, that in the meantime till the decision alluded to of the Supreme Government is made known, the precepts enumerated above shall rule and be executed, and the publication of the same in the OFFICIAL GAZETTE, of HABANA, for the information of the public, is hereby ordered by H.E.

HABANA, May 15th 1896.

The Secretary General,

Marquis de Palmerola.

Enclosure No. 1
With Despatch No. 2983.
Habana, May 19, 1896

GACETA DE LA HABANA

Domingo 17 de Mayo de 1896

Gracia y Justicia.

El Excmo. Sr. Gobernador general, vista la instancia promovida por el Círculo de Hacendados y Agricultores de la Isla, en solicitud de suspensión temporal de procedimientos judiciales contra hacendados, aplicando por analogía determinados preceptos de los Códigos Civil y Mercantil vigentes, y oído el ilustrado dictamen del Excmo. Consejo general de Administración; S. E., por acuerdo fecha 13 de los corrientes, ha dispuesto se interese del Gobierno Supremo la aprobación del acuerdo que comprenden las siguientes cláusulas:

1.ª Los créditos hipoterarios vencidos ó que venzan desde esta fecha, se entenderán prorrogados hasta el día 30 de Abril del año próximo de 1897.

2.ª Quedarán también en suspenso, durante igual término, los juicios seguidos para el cobro de esos créditos.

3.ª Igual disposición se aplicará á los cobros de réditos de censos vencidos ó que venzan desde esta fecha y los juicios con tal motivo promovidos.

4.ª Siempre que haya bienes inmuebles embargados, ó se haya tomado anotación preventiva de la demanda en el Registro de la propiedad, quedará en suspenso durante el plazo referido toda vía de apremio que se haya principiado ó se principie para cumplir las sentencias ejecutorias recaídas en los juicios de cualquier clase.

5.ª Los procedimientos para el cobro de contribuciones, derechos reales ó créditos de cualquier clase que pertenezcan al Estado, provincia ó municipio, continuarán hasta hacerlos efectivos sobre rentas, bienes muebles ó semovientes del deudor; pero respecto á los bienes inmuebles del mismo, solo podrán continuar hasta el trámite de embargo y su toma de razón en el Registro de la propiedad, mientras no venza el plazo referido de 30 de Abril de 1897, transcurrido el cual cesarán todos los efectos de la suspensión, continuando los procedimientos por los trámites legales.

Y dispuesto también que ínterin no recaiga la resolución Superior á que se alude, rijan y se ejerciten los preceptos contenidos en el articulado transcrito, de orden de S. E. se publica en la GACETA DE LA HABANA para general conocimiento.

Habana, 15 de Mayo de 1896.

El Secretario general,

El Marqués de Palmerola.

Secretary of State.
MAY 26 1896

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

Confidential.

No 2984.

U. S. Consulate General

Habana, May 20 1896.

INDEX BUREAU
REC'D.
MAY 25 1896
DEPT. OF STATE

Mr. Williams

to the

Department of State

Com. Rel.
Ark. Inl.

File

Economic condition of Cuba.

Enclosing translations of two proclamations of the Governor General, and an extract of my article "Partial versus Reciprocal Protection".

3 enclosures.

Confidential.

No 2984.

U. S. Consulate General.
Habana, May 20 1896

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D.C.

Sir:

In view of the approaching delivery of this office by me to my successor, the very worthy general Fitzhugh Lee, I beg to close my series of Dispatches to the Department on the Economic condition of Cuba, with the accompanying translations of two proclamations of the Governor General, both bearing testimony to the correctness of the guiding principle of that series, together with an extract 2/ 3/

from my sketch, published in "El Triunfo" of this city, in the month of March, 1881, and entitled:

"Partial versus Reciprocal Protection"; and in sight of the future, as indicated by the present state of this Island, I permit myself to quote from the inspired economist Isaiah:

" The land shall be utterly
" emptied and utterly
" spoiled; for the Lord (the
" economic law) hath said
" this word".

I am, Sir.

Very respectfully
Your obedient servant,

Ramon O. Williams,
Consul General.

3 Enclosures:

No 1 - Proclamation;
" 2 - "
" 3 - Extract referred to.

Enclosure No.1.

With Despatch No. 2 9 8 4.

H A B A N A , May 20th,1896

Copy translation.

-----o-----

Translated by Consul General WILLIAMS.

-----o-----

The present difficult situation of the cigar manufacturing trade in this city, arisen from the constant destruction of the tobacco crop by incendiary fires, and the daily destruction of the elements of production by the insurgents, the enemies of property, family and the public peace, might possibly reach a still more critical period, if some preventive measure, indispensable under the present circumstances, is not promptly adopted to counteract the effects of those desolating and ruinous proceedings.

The manufacturers, workmen, merchants and all others who live and depend in this Island on this branch of business, having become justly alarmed at sight of the immense damages and grave dangers that overhang them from the want of the necessary supply of leaf tobacco to keep the factories employed ; it has, therefore, become the duty of the Government to exercise its foresight, and although I am not unaware of the prejudices, jealousies and interested motives existing, and, in fine, the opposition to be encountered to convince the

public mind that the welfare of the country is the supreme interest and above the personal convenience and desires of individuals; and convinced, after calm and careful investigation of the subject, of the necessity of the immediate application of some preventive measure, and alike encouraging to the loyal interests of Spain, and giving at the same time a hard blow to those who persist in the insensate undertaking of her destruction.

Therefore, in the exercise of the faculties invested in me;-

I ORDER and COMMAND;

Article First:-It is hereby temporarily forbidden, that while the present abnormal state of the Island lasts, to export leaf tobacco produced in the provinces of Pinar del Rio and Habana, except such as may be needed for Spain.

Article Second:-A term of ten days is granted from this date for the exportation from the said provinces of tobacco contracted before the issue of this Proclamation. After the expiration of this term, the custom-houses of the Island will not issue shipping permits.

Article Third:-The Railroad companies and all companies transporting by land or sea will not admit for conveyance into any other province, tobacco of the kind mentioned, the exportation of which to Spain, is only authorized through the port of Habana.

Article Fourth: In order not to deprive the Treasury

of the revenues that would be afforded it by the exportation of leaf tobacco of Vuelta Abajo and partidos (Pinar del Rio and Habana), the manufacturers of Habana will agree with the Treasury, on the payment of the amount that may be estimated as fair and just, taking as basis the average of the amount collected during the last three years, which obligation will last so long as the present export duties are not changed.

Article Fifth: The violators of the Proclamation will be considered as abettors of the rebellion, with confiscation of their merchandise by the Customs authorities, and delivery of the proceeds to the apprehenders as a reward. The transportation companies and those persons who co-operate in the clandestine exportation of tobacco, will incur besides, in a fine of one hundred to five hundred dollars, payable in stamp paper, which will be distributed in the following form : fifty per cent to the Treasury, and fifty per cent to those who have taken part in the denunciation and seizure.

Article Sixth:- The Intendancy General will dictate the necessary rules for the execution of the above provisions.

HABANA, May 16th, 1896.

(Signed) VALERIANO WEYLER.

-----o-----

Enclosure No.2.

With Despatch No. 2 9 8 4.

H A B A N A , May 20th,1896.

Copy-translation.

Translated by Consul General WILLIAMS.

-----o-----

GOVERNMENT GENERAL of the Island of Cuba.

Office of the Secretary General.

Bureau of GRACE and JUSTICE.

-----o-----

His Excellency the Governor General, in view of the petition presented by the Board of Planters and Agriculturists of this Island, soliciting the temporary suspension of judicial proceedings against planters, and with application by analogy of certain precepts of the existing Civil and Mercantile Codes, and taking into consideration the enlightened reports of the General Council of Administration, H.E. by decree of the 13th instant, has ordered that the Supreme Government be asked to approve his decree embracing the following clauses:

First:----Mortgage credits due or that may become due from this date, will be considered as prorogued till the 30th of April of 1897.

Second:---All law suits commenced for the collection of such credits, will also remain in suspense.

Third:----The same provision will be applied to ground rents due or that may become due from this date, and also the suits commenced for their collection.

Fourth:---All cases of attachment of immovable property,or of which preventive notice has been taken of the demand in the Register of property, will remain in suspense during the said term all proceedings commenced or that may be commenced for the execution of sentences in all suits of any kind.

Fifth:----The proceedings for the collection of contributions, royal dues,or credits of any kind belonging to the Government,province or municipality, will continue to their conclusion on rents,personal property or live stock of the debtor; but with respect to his immovable property,such proceedings can only continue to the stage of attachment and notation in Register of Property,during the said term ruling till the 30th of April of 1897, upon the expiration of which the effects of the suspension will cease,the legal proceedings will then continue in the usual order.

And it being also ordered,that in the meantime till the decision alluded to of the Supreme Government is made known,the precepts enumerated above shall rule and be executed,and the publication of the same in the OFFICIAL GAZETTE of HABANA,for the information of the public,is hereby ordered by H.E.

HABANA, May 15th 1896.

The Secretary General,

Marquis de Palmerola.

Enclosure No. 6.

With Despatch No. 344.

H A B A N A , May 4th 1896.-

Copy.

EXTRACT from enclosure with Despatch No.26 of September 11th,1884.

-----o-----

PARTIAL versus RECIPROCAL PROTECTION.-

x x x

Let it be well remembered that it is not alone the planter who is interested in the prosperous condition of the sugar industry of the Island. The same interest and dependence extends to all its diverse arts and industries,as well as to all its commerce. For, without the sugar-mill,what would become of the railroads in the absence of sugar to transport; what of the warehouses,without sugar to store; what of the molasses establishments without this article in their tanks; what of the cooperage shops,without hogsheads and boxes to make ; what of the wharves and lighters without cargo for lighterage or for storage ; what of the coasting vessels without freight; what of the banks,once sugar is eliminated from their operations; what of the local trade in imported goods, once deprived of the exports that serve it as basis ?

How much already,has the noisy and exciting activity of the iron foundries been changed ; where yesterday all was life and bustle,today reigns the silence of the desert ; and, without the moving power

diffused throughout all the economic organism of the Island by the sugar plantation, what would become of the value of real estate and landed property ?

In conclusion, with the loss of the sugar production of the Island, all the minor industries,-- the very links of the commercial chain of Cuba,-- will die for want of the vivifying current that flows from this prodigious and abundant spring,-- the sugar industry of Cuba !

-----o-----

No. 2985.

INDEX BUREAU
REC'D.
MAY 27 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 20, 1896.

Mr Williams,
to the
Department of State.

Acknowledging receipt of the Department's instructions numbered from 1352 to 1366.

No. 2985.

U. S. Consulate General.
Habana, May 20, 1896

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions Nos 1352 to 1366, inclusive.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lawrence O. Williams,
Consul General.

No. 2986.

U.S. Consulate General
Habana, May 20, 1896.

INDEX BUREAU
RECD.
MAY 27 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

To Lexington
June 5.

Relating to a fine of $1.49 imposed by the customs house of Vagua la Grande on a case of stationery for the use of our commercial agency at that port.

1 Enclosure

No. 2986.

U.S. Consulate General.
Habana, May 20th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to previous correspondence relating to a fine of $49 imposed by the custom house of Sagua la Grande on a case of stationery, forwarded by the Department of State to our commercial Agent at that port, for the use of his office, because of a delay in making the entry of same, I now beg to enclose copy-translation of a communication received from the Intendant general of Finance

Finance, informing this Office that the Intendancy lacks authority to condone fines it cannot grant the request, which to that end I have made on several occasions; but that, provided a deposit of the amount of the fine is made, an appeal can be addressed to the Government of Madrid for the obtainment of the desired condonation.

Therefore, if the Department decides to deposit the amount of the fine, pending negotiations for its condonation at Madrid, I beg that our Commercial Agent at Lagua be instructed accordingly.

I am, Sir,

Very respectfully,

Your obedient servant,

Enclosure.

Ramon O. Williams,

Consul General.

Enclosure No. 1:

With Despatch No. 2986.

H A B A N A , May 20, 1896.

TRANSLATION.

INTENDANCY GENERAL OF FINANCE of the

ISLAND of CUBA.

HABANA, 15 May, 1896.

To the consul general of the United States,

Present.

Sir:

In answer to your courteous note of the 14 th ultimo asking for the condonation of a fine of $49 imposed by the custom houseof Sagua la Grande on the consulate of that port because of a delay in making the entry of a case containing stationery, I have the honor to inform you that as this Intendancy lacks authority to condone fines it cannot grant the request; but that provided a deposit of the amount of said fine is made, an appeal can be addressed to the Government of His Majesty to the end that the desired condonation be granted.

I am etc.

(Signed) Emilio Fagoaga.

Con

MAY 29 1896
DEPARTMENT OF STATE
INDEX BUREAU
REC'D.
MAY 28 1896
DEPT. OF STATE

Secretary of State
MAY 29 1896

No. 2987.

U.S. Consulate General.
Habana, May 21st 1896.

acknowledges receipt of
Exhibits of Consul's
prompt forwarding
of persons taken to Key.

Mr. Williams
to the
Department of State.

R.O.

Acknd
June 1.

Case of American
Schooner "Competitor."

Forwarding copies of
correspondence relative
to the cases of Alfred Laborde,
Ona Melton, and William
Gildea.

17 Enclosures.

No. 2987.

U.S. Consulate General.
Habana, May 21st, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In continuation of my despatches in relation to Alfred Laborde, William Gilda and Ona Melton, captured by a Spanish gun boat on board the american schooner "Competitor"; and tried at 8½ o'clock of the morning of the 8th instant, at the arsenal of this port by the Naval authorities, under the form of procedure known here as the <u>mosh summary process</u> (juicio sumarísimo),

&

I now have the honor to accompany translations of the correspondence had since the 7th instant between the authorities and this consulate general on the subject.

The first communication forming part of this correspondence in the order of reference and consideration is that addressed to me on the 7th instant by the Admiral of the station. It is made up wholly of the opinion, adverse to my remonstrance, of the judge advocate to whom my two communications of the 30th ultimo were referred in consultation. It will be seen that the Admiral adheres to and approves of this opinion. In it the

the judge advocate assumes:

First: that the specification of the charges against these men that I had asked for in my first communication of the 30th could be furnished me in deference to the friendly relations existing between the two countries. I must observe, however, that the trial of these men took place within the short time of fifteen hours after this offer, with the night intervening; and that notwithstanding the men have been tried and condemned to death, that the specific charges have not yet been furnished me for transmission to you.

Second: that with respect.

respect to the list of the names of the men the judge advocate tells the Admiral that there was reason to suppose that Mettot was the only american citizen on board. But, I must here observe, too, that as there was reason to believe that Laborde was the master, and Gildea the mate, according to paragraph 171 of the Consular Regulations, based on statute, and the fact of the vessel being american — the flag covered them; in consequence it became my duty and right to interpose in their favor.

Third: the judge advocate assumes that neither article 7 of the Treaty of the 27th of October 1795,

1795, nor the Protocol of 1877, invoked by me, apply to the case in question! Because, as he further assumes, foreigners must be tried by the same courts having cognizance in all affairs of Spanish subjects in accordance with the local law relating to foreigners of the 4th of July, 1870. And at this point I beg to remark that the judge advocate subordinates the Treaty to the local law instead of giving precedence to the Treaty as a part of the supreme law of Spain.

Fourth: He also assumes that whatever interpretation and scope may be given to the Treaty and the Protocol construing it,

it, that the latter from the beginning embraces only resident american citizens. But against this assumption I beg to state that article 7 of the Treaty of 1795 imposes no condition of residence either on Spanish subjects in the United States nor american citizens in the dominions of Spain; for were it so, then, the Status of spanish subject and of american citizen would be taken away from thousands of spaniards and americans who visit both countries every year either on business or pleasure, as merchants, manufacturers, tradesmen, travellers and tourists.

Besides, the protocol cannot detract any force from the Treaty as understood by

by the President and Senate of the United States who have sanctioned it; and not being yet revoked it continues in force as the matrix of the Protocol. It is clear, therefore, that ——

—— the Protocol must conform to the Treaty and not the Treaty to the Protocol. But, even then, the Protocol explicitly mentions in the declaration of Mr. Cushing all Spaniards residing or being in the United States, and conversely, in the sense of article 7, should embrace all americans either residing or being in the Spanish dominions.

Fifth: the assumption that foreigners must be inscribed at the provincial governments, and at their

their respective consulates, in accordance with article 7 of the local law relating to them cannot be maintained; for it would be equivalent to depriving them of their rights of nationality and of the protection of their respective governments, a doctrine that no government will admit, not even that of the judge advocate to whose opinion on these several points the Admiral adheres and approves.

Sixth: It is also erroneously assumed by the judge advocate that the law of the 17th of April, 1821, is derogated by Spanish laws of subsequent enactment; that is to say that a treaty, as an international contract, can be derogated by

by either party at pleasure by local legislation or decretal action – a most dangerous doctrine indeed for the friendly intercourse and peace of nations.

Seventh: the judge advocate also contends that the jurisprudence established here under the Treaty and Protocol since 1877, in such cases as that of Rosell at Santiago de Cuba, Mayolini at Santa Clara, Sanchez, Aguirre, Carrillo and Cepero at Havana, forms no precedent in these cases of Meltori, Laborde and Gildea; that is that the Naval jurisdiction has a distinct and exceptional authority in cases coming under its jurisdiction to that possessed by the military

Military and Civil powers, by which those other cases were tried.

In reference to the passage on page 2d of the Admiral's communication to me of the 9th instant, wherein the judge advocate calls attention, in the sense of amplitude, to the term of ten days having been employed in substantiating and trying this case, I have to say: that the time thus gained for the defence was accidental and not intentional, and was owed entirely to the temporary absence of the Admiral in command who was then on a cruise at the eastern end of the Island, and that had he been present at the time of the

the bringing of the men to this port, there are reasons to believe that they would have been tried and sentenced within the next twenty four hours.

I beg also to observe that during the civil war in the United States it was a very common thing for vessels loaded with arms and munitions of war to leave the ports of Habana and Nassau and land their cargoes in the Southern States; but I know of no case in which parties intercepted and arrested by the Federal authorities, were ever deprived of the right to name counsel of their own choice and to be sentenced to death by <u>most summary process</u> as has been

been done in this case with the men captured on board the American schooner "Competitor."

In conclusion I beg
2/ to say that copies are also
accompanied of my answer
dated the 7th instant, of his
3/ reply of the 9th to my said
communication; of my
communication to the Captain
4/ General dated the 8th, and
also that of the 9th to the
5/ Admiral in answer to his
of same date; the Admiral's
6/ reply, also a note from
the Governor General acknow-
7/ ledging receipt of my com-
munication of the 8th above
referred to. Likewise
8/ copies of correspondence had
13 with the British Consul General
relative to William Gildea.
14/ Mr Laborde's Statement
signed

signed besides by Melton
and Gildea ; letter dated
the 2d, received on the 7th,
from Mrs Melton ; another
one of same date from
William Gildea, and a
third letter signed jointly
by the three prisoners under
date of the 7th instant.

I am, Sir,
Very respectfully,
Your obedient servant,
James O. Williams
Consul General.

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Enclosure No. 1

With Despatch No. 2987

H A B A N A, May 21, 1896.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

COMMANDANCY GENERAL of MARINE of the NAVAL STATION and SQUADRON of the WEST INDIES.

HABANA, 7 May, 1896.

To the consul general of the United States,

Present.

Sir:

Your official letter and note of the 30th ultimo having been referred in consultation to the judge advocate of this Naval Station, this counsellor reports as follows:

"Excellency: Under date of the 30th of April "last the consul general of the United States in "this capital addressed Y.E. the two preceding "communications passed to me for examination and "report accompanied with the proceedings of the "case. In the first of those communications, start-"ing from the supposition that the schooner "Com-"petitor" and the persons captured on board might "be americans, and not having exact information res-"pecting the charges and acusations justifying

"their submission to the Naval Courts of this
"Island, and in accord, as he alleges, with the ins-
"tructions of his Government, he asks Y.E. to have
"the goodness to inform him as soon as may be
"possible of the specific charges brought against
"the said schooner and citizens, with the names of
"the latter for the purpose of transmitting them
"at once to his Government. Respecting the first
"part of this consular petition it is the opinion
"of the undersigned in view of the good desires
"always animating and inspiring Y.E. when treating
"of matters that may in some manner directly or
"indirectly affect a friendly nation with which the
"best relations are maintained, that Y.E. can at once
"manifest to the consul general of the United
"States that, in effect, this Naval jurisdiction is
"now occupied in trying the case of the capture of
"a schooner hailing from the port of Key West, whose
"certificate of inscription and sailing license
"agree as to her name being that of "Competitor"
"or the same one which refusing to show any flag
"made armed resistance to a vessel of war of our
"Nation and landed a cargo of arms, ammunition, ex-
"plosives and other effects belonging to a fili-
"buster expedition under the command of the so-
"called colonel Monzon; the same that he conveyed
"from the coast of Florida to Berracos Cove, where
"the schooner was discharging when discovered. It
"is evident that the accusations and charges

"springing from this fact will be formulated
"according to regular rules and within the time
"fixed by our Code of Criminal Procedure, it being,
"therefore, impossible to anticipate the specifica-
"tion desired by the consul. But if agreeable to
"Y.E. he could be assured that at the proper time
"he will be informed of all the details he desires
"to know of the case.

"With respect to the list of the names of the
"men captured that might be supposed to be American
"citizens there appears no reason up to the present
"to suppose there is any other than Olna Milton of
"that nationality, who declares he is a native of
"Kansas, 23 years of age, single, newspaper reporter,
"son of Daniel and Nancy, and resident of Key West.

"On reaching this point I am pleased to call the
"attention of Y.E. to the contradiction in which the
"consul appears to incur when after giving the
"assurance in the first cited paragraph of his
"estimable communication to the effect that he had
"no exact information regarding the case, on con-
"tinuing, he asks that the men, who might perhaps
"appear to be american citizens, be tried in strict
"accord to article 7 of the Treaty of the 27th
"of October, 1795, but of whose names and circums-
"tances he then knew nothing.

"Neither the article 7 invoked by the consul nor the

"interpretation given it by the protocol signed
"at Madrid the 12th of January,1877,apply to this
"case because of the following reasons:

"First:- Because foreigners without distinc-
"tion of nationality are subject to the Laws and
"Courts of Spain for crimes committed within
"Spanish territory and as such foreigners do not
"enjoy any special right or privilege,being subject
"to the same courts that have cognizance of the
"affairs of spaniards in conformity to articles
"41 and 47 of the Law relating to Foreigners in the
"Ultramarine Provinces of the 4th of July,1870.

Second:- Because whatver may be the interpre-
"tation and scope that may be given to the Treaty
"and its meaning given by the Protocol,this from
"its beginning declares it only embraces resident
"American citizens and these only in the case of
"not being arrested with arms in hand,circumstances
"that do not concur in the present case.

"Article 7 of the said Law relating to Foreign-
"ers exact among other requisites for a foreigner
"to be considered a resident in the Colonies
"(Ultramar) he must be inscribed in the Register
"which to that effect is kept in the Superior Civil
"Governments and in the consulates of his nation.

"And lastly ,because the Law of the 17th of
"April,1821,mentioned in the Protocol and invoked

"by the Consul in its relation to the procedure
"that was fixed in the articles 20 to 31 of the
"said law and in the 4th and 5th declarations of
"the Protocol are totally derogated under the final
"enactment of the present law governing criminal
"procedure, by article 750 of the Code of Military
"Justice and by article 472 of the law of Military
"Marine Procedure.

"The jurisprudence to which the Consul refers
"in his communication and alleges to be established
"by the Civil and Military Courts of this Island has
"been limited to the competency of the courts and
"not to the rules, forms, requisites and solemnities
"of the methods of procedure observed by them.

"Finally, Excellency, you should not receive nor
"accept in any form the protest addressed to you
"by the consul of the United States in the name of
"his Government against the application of most
"summary proceedings (juicio sumarisimo) to those
"who in the case might be American citizens be-
"cause he considers that form of procedure excluded
"from the Protocol and because in his opinion it
"is not the ordinary council of war mentioned in
"article 3 of the Protocol.

"This is an error of law in which the consul
"incurs the correction of which he will find if in
"his recognized ability he will revise the latest

"organic law relating to the procedure of Marine
"Courts.

"In conclusion I am going to refer to the
"second communication of the consul general of the
"United States referring to his desire to communi-
"cate with the prisoners.- The prohibition of out-
"side intercourse to which they were subjected
"having been removed Y.E.can grant the petition.

"In the above sense it is understood by the
"undersigned that Y.E.can be pleased to reply to
"the consul general of the United States should
"you not esteem it better to decide otherwise.

"Moreover,I have to say: that the official corres-
"pondence that had given rise to this consultation,
"as also the superior decree Y.E.may have given it,
"should be passed to the Judge of Instruction
"encharged with the examination of the case for
"their attachment to the proceedings. Y.E.will
"decide".

And having accepted the preceding report I have the honor to so inform you in reply to your above cited esteemed communication.

I am, etc. etc.

(Signed) Jose Navarro y Fernandez.

Enclosure No. 1.

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

COMANDANCIA GENERAL de MARINA del APOSTADERO

y ESCUADRA de las ANTILLAS.

Pasadas á consulta del Auditor de este Apostadero el oficio y la carta de V.S. fecha 30 del mes último, este Letrado me informa en la de hoy lo siguiente:

"Excmo. Sr.:- Con fecha 30 del pasado Abril el "Sr. Consul General de los Estados Unidos de America "en esta capital dirigió á V.E. las dos comunica- "ciones que anteceden pasadas con la unida causa "en la tarde de ayer á mi consulta. En la primera, "partiendo del supuesto de que la goleta "Competi- "tor" y las personas apresadas á su bordo fuesen "Americanos, por carecer de informes exactos res- "pecto á las causas y acusaciones que justifiquen "su sumision á los Tribunales de Marina de esta "Isla el expresado Sr. Consul de acuerdo con los "que alega ser sus instrucciones, ruega á V.E. se "sirva informarle con la brevedad que sea posible "de los cargos específicos que existan tanto contra "dicho buque como contra aquellos ciudadanos, con "relacion del nombre de estos últimos á fin de

"trasmitir enseguida lo informado á su Gobierno.
"Sobre este primer extremo de la solicitud consular,
"entiende el infrascrito que V.E. inspirado siempre
"en el mejor deseo que le anima al tratar de in-
"tereses que de algun modo puedan directa o indi-
"rectamente afectar á una Nacion amiga y con la
"que se mantienen tan estrechas y buenas relaciones,
"pudiera manifestar desde luego al Sr. Consul de
"los Estados Unidos que, en efecto se trata y juzga
"por esta jurisdiccion del caso del apresamiento
"de una goleta de la matrícula de Cayo Hueso,
"cuya cédula de inscripcion y permiso para navegar
"convienen con la denominada "Competitor", ó sea
"la que negándose á la dacion de toda bandera y
"haciendo resistencia armada al buque de la marina
"de guerra de nuestra Nacion, que se la exigiera,
"alijaba en la mañana del 25 de Abril último un car-
"gamento de armas, municiones, explosivos y otros
"efectos pertenecientes á la expedicion filibustera
"del titulado Coronel Monzon; la misma que habia con
"ducido desde las costas de la Florida á la Ensena-
"da de Berracos, donde operaba en los momentos de
"ser sorprendido su desembarco. Es evidente que
"sobre el hecho indicado habrán de descansar los
"cargos y acusaciones que en su oportunidad se for-
"malicen dentro de las reglas pertinentes y en los
"plazos precisos de nuestro enjuiciamiento criminal,

"haciéndose por lo tanto en el momento actual del
"procedimiento de todo punto imposible adelantar
"la especificacion que de ello quiere la susodicha
"representacion consular. Tenga esta por hecha si
"es que á V.E.place realizar el ofrecimiento la
"protesta de que medios publicos y aun el de la
"comunicacion oficial, si quiere utilizarla, podran
"en el instante á que aludo llevar á su conocimiento
"el de los detalles que interesa. Por lo que hace
"á la relacion del nombre de los apresados que pue-
"dan suponerse ciudadanos americanos hasta ahora
"solo hay motivos para estimar esa condicion en el
"llamado Ona Milton que dice ser natural de Kansas,
"de 23 años de edad, soltero, periodista, hijo de
"Daniel y de Nancy, y vecino de Cayo Hueso. Al
"llegar á este punto, cúmpleme llamar la atencion
"de V.E. acerca de la contradiccion en que parece
"incurrir el Sr.Consul cuando despues de haber ase-
"gurado en el citado párrafo primero de su respeta-
"ble comon. que carece de informes exactos acerca
"de la causa de que se trata, al continuarla, asegure
"que la observancia de sus instrucciones y el
"artículo 7 del Tratado de 27 de Octubre de 1795 en-
"tre España y los Estados Unidos se ajuste precisa-
"mente en su aplicacion al juicio de esas personas
"que pudieren acaso ser ciudadanos americanos, pero
"que ni en su número ni en sus circunstancias hasta entonces conocí-
"cia. Tanto el artículo 7 invocado como la inter-

"pretacion que le dio el protocolo suscrito en
"Madrid en 12 de Enero de 1877 no resultan de apli-
"cacion en este caso por las razones siguientes:
"Primera: Porque los extrangeros sin distincion
"de nacionalidad estan sugetos á las Leyes y Tri-
"bunales Españoles por los delitos que cometan en
"territorio Español y como tales extrangeros no
"gozan de fuero alguno especial ni prvilegiado
"quedando sujeto á los mismos tribunales que segun
"los casos conozcan de los negocios de los espa-
"ñoles conforme á los artículos 41 y 47 de la ley
"de Extrangeria en las Provincias de Ultramar de
"4 de Julio de 1870. Segunda: Porque cualquiera que
"sea la interpretacion y alcance que se reconozca
"al Tratado y su inteligencia por el Protocolo, este
"en su declaracion primera no comprenderia mas que
"á los ciudadanos residentes, y estos solo en el
"caso de no haber sido aprehendidos con las armas
"en las manos, circunstancias que no concurren en
"el hecho presente. El articulo 7 de la citada Ley
"de Extrangeria exige entre otros requisitos que
"para ser considerado como residente un extrangero
"en Ultramar deberá estar inscripto en el Registro
que á ese efecto se lleve en los Gobiernos Superio-
"res civiles y en los Consulados de su Nacion. Por
"último; porque la Ley de 27 de Abril de 1821 que
"se menciona en el Protocolo é invoca el Sr. Consul

"en lo que afecta al procedimiento que se fijaba del
"articulo 20 al 31 de la primera y en las declara-
"ciones 4 y 5 del segundo se encuentra totalmente
"derogado por la disposicion final de la vigente
"ley de Enjuiciamiento Criminal,por el artículo 750
"del Codigo de Justicia Militar y por el artículo
"472 de la Ley de Enjuiciamiento Militar de Marina.
"La jurisprudencia á que se refiere la comunicacion
"consular y que alega encontrarse establecida por
"los Tribunales Civiles y Militares de esta Isla
"se ha limitado á competencia de Tribunales y no á
"reglas,fórmulas,requisitos y solmnidades del pro-
"cedimiento por estos observados. Finalmente,Excmo.
"Señor,debe V.E.no tener por hecha ni aceptar en
"forma alguna-la protesta que consigna el Sr.Consul
"de los Estados Unidos en nombre de su Gobierno con-
"tra la aplicacion del juicio sumarísimo á los que
"en la causa pudieran resultar ser ciudadanos ame-
"ricanos por estimar ese medio excluido del proto-
"colo y no ser en su opinion el consejo de guerra
"ordinario del artículo 3 del protocolo. Este es
"un error de derecho en que incurre el Sr.Consul
"cuya mas facil subsanacion la obtendrá de ser-
"virse en su reconocida ilustracion revisar la no-
"vísima ley orgánica y de procedimiento de los Tri-
"bunales de Marina. Para terminar voy á referirme
"a la sgunda de las comunicaciones del Sr.Consul

"General de los Estados Unidos referente á su
"deseo de comunicar con los procesados. Levantada
"la incomunicacion en que se encontraban, puede V.E.
"servirse otorgarla. En este sentido entiende el
"que suscribe puede V.E. servirse contestar al Sr.
"Consul de los Estados Unidos á no estimar mas acer-
"tada otra resolucion. Otro si, digo: que los ofi-
"cios que han dado lugar á esta consulta, asi como
"la misma y el superior decreto que le recaiga, deben
"pasarse al Juez Instructor de la causa de su razon
"para su agregacion á los autos: V.E. resolverá".

Y habiéndome conformado con el anterior dictamen, tengo el honor de participarlo á V.S. como contestacion á sus respetables citados escritos.

Dios etc. Habana, 7 Mayo de 1896.

(Signed) JOSE NAVARRO y FERNANDEZ.

Sr. Consul Gral. de los Estados Unidos en esta capital.

Enclosure No. 2.

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY. UNITED STATES CONSULATE GENERAL.

HABANA, 7 May, 1896.

To His Excellency the Admiral in command of
this Naval Station and Squadron.

Excellency:

I have the honor to reply to your attentive communication of this date, received at this 5 p.m. and to protest, at once, against the narrow and antagonistic sense with which it considers the Treaties and Conventions existing between the United States and Spain. And being specially instructed by my Government in the present case I mustinsist to the point of obtainment, that the citizens of the United States are to be judged by the courts of this country in conformity with the treaty, notwithstanding the opinion of the judge advocate of this Naval Station and to which Y.E. has officially adhered with transmission of a copy of it to me.

I can never, as the representative of the United States in this Island, lend assent to the trial of my countrymen by the exceptional tribunal called by the name of the most summary process (juicio sumarísimo), because such form of trial is contrary to what has been agreed and ratified in the Treaty of 1795, and Protocol

of 1877, between our respective nations, and its application would constitute a most flagrant violation. Therefore, I trust to be able to convince Y.E. of the error in which His Honor the judge advocate has incurred on submitting his opinion to Y.E. for the point in dispute is of the clearest nature.

Your Excellency by accepting the opinion of the judge advocate affirms that article 7 of the Treaty of 1795, as likewise the Protocol of 1877, for several stated reasons, do not apply to the present case and which I will now proceed to refute, interpreting in the following manner with all fidelity the intent of my Government, which has been duly communicated to me.

1st.- It is not absolutely exact, with respect to citizens of the United States, the affirmation of Y.E. that they, in their character of foreigners, must be subject for crimes of which they are accused within spanish territory to all the laws and tribunals of Spain, neither that they are not exempt from the tribunals which in certain cases have cognizance in the affairs of spaniards, notwithstanding the prescriptions of articles 41 and 47 of the said Law relating to Foreigners, which Y.E. mentions. And it is not exact because there are exceptions guaranteed by existing treaties to American citizens. And, indeed, the present case is a typical example of this statement, treating as it does of citizens of the United States accused of acts against the integrity of spanish territory. For article 7 of the Treaty of 1795 provides

that the detention or arrest for offences committed by citizens of the United States within the jurisdiction of Spain shall be "made and prosecuted by order and authority of law only and according to ordinary proceedings in such cases".(segun los tramites ordinarios en tales casos).

But notwithstanding the clearness of the object, doubts arose as to the preciseness of its meaning, and the Governments of the United States and Spain agreed upon an interpretation and reduced it to a formal understanding under what is now known as the protocol of 1877, the third article of which textually says:

"Those who may be taken with arms in hand, and
"who are therefore comprehended in the exception
"of the first article, shall be tried by ordinary
"council of war, in conformity with the second ar-
"ticle of the hereinbefore mentioned law; but even
"in this case the accused shall enjoy for their
"defense the guarantees embodied in the aforesaid
"Law of 1821".

And article 4 confirms article 3 in all its parts. And it will therefore be sen how the opinion, approved by Y.E., of the judge advocate, is mistaken. For spanish subjects, trial by most summary process may be in order under certain circumstances, but never for citizens of the United States. Exceptional tribunals may try the first, but never the second. Neither the laws nor the judges of exceptional councils of war have application within

the dominions of Spain to citizens of the United States.

If American citizens are captured in those dominions with arms in hand, they are to be judged solely in accordance with article 3 of the Protocol which in that sense interprets authentically the Treaty of 1795, and as that article refers to the 2nd of the law of the 17th of April, 1821, this last article is therefore the one of immediate application. That second article of the said law of the 21st of April, 1821, says:

"The accused will be tried militarily in ordi-
"nary council of war as prescribed in the law 8th,
"title 17, book 12 of the last Recompilation".

There exists, therefore, an absolute conformity between the Treaty of 1795, the Protocol of 1877 and the law of April 1821: for they all agree that the citizens of the United States captured with arms in hand in spanish territory cannot ever be tried by most summary process, but by ordinary council of war.

My Government cannot therefore consent that its citizens be tried under any other form of procedure than that expressed in the Treaty and to which it strictly adheres.

The second manifest error contained in the communication of Y.E. is that which approves the part of the opinion of His Honor the judge advocate by which he affirms that the stipulations of the Treaty of 1795 and

Protocol of 1877 embrace only American citizens residents of spanish territory. But this error disappars at once when it is shown that the Treaty does not distinguish between American citizens residing or being in spanish territory. Article 7 embraces all American citizens, without difference of any kind. Again, if there was any doubt on this point it would be dispelled by the protocol of 1877, for it is not to be supposed that in a Treaty between two nations the one would put its citizens or subjects in a disadvantageous position with respect to those of the other; to the contrary both themselves on an equal footing. For article 4 of the Protocol on referring to spanish subjects in the United States reads as follows:

"the said provisions extend to and comprehend all "spaniards residing or being in the United States."

Therefore, if the protocol comprehends all spanish subjects residing or being in the United States it must equally comprehend all american citizens residing or being in the dominions of Spain; the spanish equivalent of the english word being is estante, as used in the translation, and signifies in this case the temporary occupation by a person of a place or spot regardless of permanent residence in the sense of domiciliation. These American citizens are in a spanish dominion where they are to be subjected to judicial trial and necessarily this must be done in accordance with the form of procedure solemnly agreed upon in Treaties between Spain and the United States.

The theory advanced by the judge advocate and admitted by Y.E.places these american citizens on an inferior plane of justice to spanish subjects in the United States,for if the words used in the Protocol by the Minister of Spain for Foreign Affairs,Mr.Calderon Collantes,that :"the said provisions extend to and com-

"prehend all spaniards residing or being in the

"United States",are limited solely to spanish subjects the Protocol would then favor one of the contracting parties to the prejudice of the other,and this is impossible to suppose since article 7 of the Treaty of 1795,interpreted by the Porotocl,makes no distinction between those american citizens who reside and those being within the dominions of Spain,but comprehend all alike,and where the law makes no distinction the judicial authorities cannot create them.

3rd. According to Y.E.only such foreigners as are inscribed in the Registers determined by the spanish Law relating to Foreigners can be considered as entitled to treaty stipulations. My Government does not admit any such interpretation,for,above all,it is the only one competent to qualify its citizens,and to recognize or reject them,as every government with its own, for the Law mentioned by Y.E.as relating to foreigners is merely a local police regulation of interior application,and cannot derogate a treaty of Spain with another nation. Otherwise the nationality of foreigners entering

the territories of Spain would depend upon its laws relating to foreigners, and to convince Y.E. that my Govemment does not recognize this assumption I have the homor to copy in continuation the following words in which in a like case it instructed me and to which I must adhere:

"That while it may be expected that citizens "of the United States sojourning in a foreign state "shall comply with reasonable local requirements "of registration, omission to do so cannot vitiate "their right to protection as citizens of their own "Government in case of need. That citizenship is a "fact of which the citizen's country is the authori - "tative judge under its own laws regarding naturali- "zation and nationality; and that its certification "of that fact, by passport, imparts a verity which "the foreign Government is bound prima facie to "admit in executing any treaty obligations with re- "gard to such citizens".

Having acquainted Y.E. with this view of my Govern-ment it does not become me to add a word more on this point, leaving the rest to the consideration of Y.E

4th.- The communication of Y.E. which I have the honor to answer maintains, besides, another point which in the name of my Government I must absolutely reject, and which point is expressed in the said communication under exaggerated proportions and is that the law of the 17th of April, 1821, which fixes the form of proce-dure, and that the 4th and 5th articles of the Protocol

are now totally abrogated by the spanish laws regulating Criminal Procedure, by the Code of Military Justice and that of Naval Procedure, to which Y.E. adds that the jurisprudence established by the civil and military courts of this Island, in similar cases since 1877, is limited solely to questions of competency between those courts, without respect to the rules, requisites and solemnities of procedure.

The first thing that contradicts these observations of Y.E. is the Protocol itself, which in its preamble says:

"The respective parties, mutually desiring to
"terminate amicably all controversy as to the
"effect of existing treaties in certain matters
"of judicial procedure, etc."

It is patent, therefore, that the purpose of the Protocol is to interpret and fix the form of procedure as also to determine the jurisdiction of the courts. And it is not abrogated, neither is the law of April, 1821, in its application to the treaty relations between the United States and Spain. For it is a principle of international law which from universal consent has acquired axiomatic force, that treaties subsist so long as they are not denounced and revoked by the contracting parties, and if one of them violates them the other has the right to exact their strict fulfillment.

Therefore, the Treaty of 1795, interpreted in its doubts by the protocol of 1877, is in force and constitutes the international law voluntarily agreed upon by the United States and Spain. Both nations recognize and invoke it as the supreme law that obligates them unto each other in the regulation of their intercourse and in the settlement of their differences. For that Treaty and its Protocol agree upon the only form of procedure to be applied in the trial of American citizens either being or residing in the dominions of Spain and the form incorporated in the Protocol is the same as that above cited of April, 1821, and provides that such citizens as are captured by arms in hand are to be tried by ordinary council of war.

The Treaty still existing the Protocol must naturally be contained in it. Therefore, as a logical consequence Y.E. must admit that neither article 7 of the Treaty, the Protocol, nor the law of 1821, are ~~not~~ abrogated but subsist and must last so long as the Treaty is not abolished by the consent of both contracting parties.

The local special laws cited by Y.E. only refer to spanish subjects within spanish territory and cannot be applied under the Treaty to american citizens. To that end the consent of the Government of the United States would be necessary, and without previous denunciation and revocation of the Treaty, it continues in force, and local laws passed since its date by either Government can only

affect the citizens or subjects of such Government and not those of the other, since a treaty forms a part of the supreme law of every country. These, without the common assent of the contracting parties, prevail at all times without in any manner being affected by the laws made by any one of the contracting parties without the knowledge of the other or others.

The Treaty subject of this note is an international law and those cited by Y.E. are solely national or local, that is, exclusively obligatory on spanish subjects, but in no way applicable to foreigners when opposed to the Treaties existing between their Governments and Spain.

5th. Hence, the form of trial called "most summary process" (juicio sumarisimo) which Y.E. has decided to apply to these American citizens completely violates the Treaty in force between the United States and Spain, for it provides for a form diametrically opposed.

6th. And with respect to the rejection by Y.E. of the protest I have presented you in the name of my Govern-ment, against the violation of the Treaty, it suffices for me to say that notwithstanding its rejection and the adherence of Y.E. to the contrary opinion of the judge advocate, still this cannot deprive it of its legal effects since I have presented it in due season.

7th. And finally, as in support of the "most summary process" which as Y.E. informs me is to be applied to the trial of these American citizens, you cite certain laws that are of merely national or local enactment;

I have, in consequence, to again remind Y.E. that the case in question is governed by the Treaty and, therefore, not by the local law of Spain, which should conform to the Treaty as a part of the supreme law of Spain. Consequently, the trial of these american citizens under the form of "most summary process" is a violation of article 7 of the Treaty of 1795 between the United States and Spain.

Therefore, and in the name of my Government, I have to ratify my previous protest presented to Y.E. against the form of trial to which those american citizens have been subjected and hereby solemnly renew it, protesting against this form of trial as a manifest violation of the said Treaty between the United States and Spain.

I avail myself of this occasion to reiterate to Y.E. the assurances of my most distinguished consideration.

(Signed) Ramon O. Williams,

Consul Gneral.

Enclosure No. 2.

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

Consulado General de los Estados Unidos.

HABANA, Mayo 7 de 1896.

Excmo. Sr. Comandante General de Marina del Apostadero y Escuadra etc. etc.

Excmo. Senor:

Tengo el honor de contestar su atenta comunicacion del dia de hoy, que acabo de recibir, ahora que son las cinco de la tarde, protestando, desde luego, del sentido estrecho y contrario á su espíritu y letra, que en aquella se da á los Tratados y Convenciones celebrados entre los Estados Unidos y España. Autorizado, en este caso, especialmente, por mi Gobierno, debo insistir hasta obtener que los ciudadanos de mi pais sean juzgados con sujecion estricta á la ley internacional vigente, contra la opinion emitida por el Sr. Auditor del Apostadero, con la que se ha conformado V.E. y de la que oficialmente me comunica traslado. Jamas podré yo, como representante del Gobierno de los Estados Unidos en esta Isla, prestar mi conformidad á que ciudadanos de mi pais, sean juzgados y sentenciados en juicio sumarísimo, contra lo convenido y ratificado en distintos Tratados y protocolos, y cuyo hecho constituiria su mas flagrante violacion. Confío en convencer á V.E. del error en que ha incurrido, en la con-

sulta, el Sr. Auditor del Apostadero, pues el punto en discusion es de la mas clara evidencia.

Afirma V.E. que el articulo 7 del Tratado de 1795, asi como el Protocolo de 1877 no son de aplicacion al presente caso por distintas razones que paso á refutar, interpretando de este modo con toda fidelidad el pensamiento de mi Gobierno, que oportunamente me ha sido comunicado.

1.- No es absolutamente exacta, en cuanto á los ciudadanos americanos, la afirmacion de V.E. de que estos, en su caracter de extrangeros, esten sugetos por los delitos de que se les acuse en territorio español, á todas las leyes y Tribunales españoles; ni tampoco, que no esten exceptuados de los tribunales que segun los casos conozcan de los negocios de los españoles, no obstante las prescripciones de los articulos 41 y 47 de la Ley de Extrangeria que V.E. menciona.

Y no es exacto, porque para los ciudadanos americanos existen excepciones garantizadas por los tratados vigentes. Precisamente el presente caso es ejemplo tipico. Tratase de ciudadanos de los Estados Unidos acusados de actos contra la integridad del territorio español.

Pues el articulo 7 del Tratado de 1795 ya disponia que en situacion tal, pues no marca diferencia alguna, se procederia contra el ciudadano de los Estados Unidos: "por orden y autoridad de la justicia", y "segun los

trámites ordinarios".

Ocurrió, no obstante la claridad del concepto, duda respecto á su significacion precisa, y ambos Gobiernos, el de los Estados Unidos y el de España lo interpretaron por medio del Protocolo de 1877, cuyo articulo 3 dice textualmente lo siguiente:

"Los que sean cogidos con las armas en la mano
"serán juzgados en consejo de guerra ordinario con
"arreglo al artículo 2 de la Ley de 17 de Abril de
"1821, pero aun en este caso disfrutarán para su de-
"fensa los acusados de las garantias consignadas
"en la citada ley de 17 de Abril de 1821".

El artículo 4 ratifica en todas sus partes el anterior que dejo copiado.

Ve, pues, V.E. como ha incurrido en error el Sr. Auditor del Apostadero en la consulta que ha obtenido la aprobacion de V.E. Para los ciudadanos españoles será procedente "el juicio sumarísimo" en determinadas circunstancias, mas nunca para los de los Estados Unidos. El Tribunal extraordinario juzgará á los primeros, pero está impedido de hacerlo con los segundos. Ni la ley ni los jueces de los consejos de guerra extraordinarios tienen aplicacion en los dominios españoles, cuando de ciudadanos de los Estados Unidos se trata.

Si cogidos estos con las armas en la mano, han de ser juzgados, solo puede comprenderles el articulo 3 del Protocolo, que de esa manera interpreta autenticamente

el Tratado de 1795, y como ese articulo se refiere al 2o. de la Ley de 17 de Abril de 1821, este ultimo articulo es el de aplicacion inmediata. Ese articulo 2o. de la mencionada ley de Abril de 1821 dice asi:

"Seran juzgados militarmente en el consejo de "guerra ordinario prescrito en la ley 8a., titulo 17, "libro 12 de la Novisima Recopilacion".

Reina, pues, la mas absoluta conformidad entre el Tratado de 1795, el protocolo de 1877 y la ley de Abril de 1821: todos, a una voz, declaran que los ciudadanos de los Estados Unidos cogidos con las armas en la mano, en territorio español, no pueden ser juzgados nunca, en ningun caso, en juicio sumarisimo, sino en consejo de guerra ordinario.

Mi Gobierno no puede por lo tanto consentir que prevalezca otro orden de procedimiento en cuanto a sus ciudadanos se refiere. Se ciñe estrictamente a la ley de los Tratados.

2o.- El segundo error manifiesto de la comunicacion de V.E. se contrae a entender la consulta del Sr. Auditor, aceptada por V.E. que el Tratado del 95 y el Protocolo que lo interpreta limitan sus declaraciones solo a los ciudadanos de los Estados Unidos residentes en territorio español.

Se desvanece este error en primer lugar, recordando que el Tratado no distingue entre residentes y estantes por cualquier motivo. El articulo 7 de aquel se refiere por igual a todos los ciudadanos de los Estados Unidos,

sin diferencia de ningun genero.

Mas, si duda hubiera la borraria el Protocolo de 1877, pues no cabe suponer que en un Tratado internacional se coloque voluntariamente una de las partes contratantes en peor condicion que la otra, antes al contrario ambas se ponen en el mismo pié de justicia e igualdad.

Pues el articulo 4 de dicho protocolo en lo que a los españoles se refiere dice asi:" las expresadas dis-
"posiciones alcanzan y comprenden a todos los es-
"pañoles residentes o estantes dentro del terri-
"torio de los Estados Unidos."

Luego si el Protocolo se refiere a los españoles estantes, comprende del mismo modo a los ciudadanos de los Estados Unidos tambien estantes en territorio español. Y si la palabra estante significa el que esta, los ciudadanos de los Estados Unidos comprendidos en la causa que motiva esta comunicacion, estan, aun sin ser residentes, en territorio español, donde se les va a juzgar y necesariamente han de serlo con sujecion al orden y forma convenidos solemnemente entre España y los Estados Unidos por medio de los tratados hoy vigentes. La teoria sustentada en este punto por el Sr. Auditor de ese Apostadero, admitida por V.E. colocaria a los ciudadanos de los Estados Unidos en España en condicion de justicia inferior a la de los ciudadanos españoles en los Estados Unidos, pues limitado el efecto solo a los ciudadanos americanos residentes, las palabras del Ministro de Estado de España Sr. Calderon Collantes de que: "las disposi-

"ciones del Protocolo alcanzan y comprenden á "todos los españoles residentes ó estantes", marcarian un privilegio dentro del Protocolo, á favor de una de las Naciones contratantes en perjucio de la otra, lo que no es presumible siquiera suponer, mucho mas si se tiene en cuenta que los Tratados que interpreta simplemente dicho Protocolo especialmente el de 1795, no hacen diferencia alguna entre los ciudadanos de los Estados Unidos residentes ó estantes en España, sino que los comprende á todos al igual, y donde la Ley no distingue no pueden las autoridades tampoco crear distinciones.

3o.- Para V.E. solo pueden ser considerados extrangeros á los efectos de los Tratados y el Protocolo, los que aparezcan inscritos en los Registros que determina la Ley Española de Extrangeria.

No admite mi Gobierno semejante determinacion, ante todo, porque él es el único competente para calificar á sus ciudadanos, reconociéndoles ó negándoles esta cualidad como todo otro gobierno á los suyos, por lo que la ley de extrangeria mencionada por V.E. tiene la real importancia de un reglamento de orden interior, impotente para derogar la ley internacional. De otra manera serian las leyes de extrangeria las que hicieran á los extrangeros y nó su propia nacionalidad, y tanto es asi, que para convencer á V.E. en este particular tengo el honor de copiar á continuacion las siguientes palabras que en caso semejante al presente me comunico mi Gobierno y á las que, en

consecuencia debo ajustar mi actitud: "No obstante po-
"derse aceptar que los ciudadanos de los Estados
"Unidos tengan que someterse a razonables medidas
"de inscripcion local, sin embargo, la omision de ha-
"cerlo no puede desvirtuar su derecho como ciuda-
"danos a la proteccion de mi Gobierno en caso de
"necesidad. La ciudadania es un hecho del cual solo
"el Gobierno del pais del ciudadano puede ser juez
"autorizado conforme a las leyes de naturalizacion
"y nacionalidad y la admision del hecho impone una
"realidad, que todo Gobierno extrangero esta en el
"caso de admitir prima facie, de ejecutar, por su
"parte, las obligaciones contraidas por los Tratados
"respecto a tales ciudadanos".

Expuesto ante V.E. el punto de vista de mi Gobierno, no me toca añadir una palabra mas en el particular, que dejo en toda su integridad sometido a la consideracion de V.E.

4o.- Sustenta, ademas la comunicacion de V.E que tengo el honor de contestar, otro hecho que rechazo en absoluto, en nombre de mi Gobierno, y cuyo hecho aparece en dicha comunicacion revestido con la mas exagerada proporcion y es el de que la ley de 17 de Abril de 1821, que fija el procedimiento, asi como las declaraciones 4a. y 5a. del Protocolo, se encuentran totalmente derogadas por las leyes españolas de Enjuiciamiento Criminal, el Codigo

de Justicia Militar y la de Enjuiciamiento Militar de Marina, añadiéndose por V.E. que la jurisprudencia establecida por los tribunales civiles y militares de esta Isla, se ha limitado solo á la competencia de tribunales y no á las reglas, formulas, requisitos y solemnidades del procedimiento.

Lo primero que contradice estas manifestaciones de V.E. es el mismo Protocolo en su preámbulo que dice: "Las "dos partes respectivas mutuamente deseosas de ter- "minar amistosamente toda controversia sobre el "efecto de los tratados vigentes en determinados "casos de jurisdiccion y procedimientos judiciales "etc. "

Luego es incontestable que el protocolo se contrae á interpretar y fijar el procedimiento asi como a determinar la jurisdiccion de los Tribunales.

Y no está derogado, ni con él la Ley de 17 de Abril de 1821 en ninguna de sus partes, como lo comprueba la siguiente consideracion:

Es un principio que en derecho intrnacional adquiere fuerza de axioma que los Tratados subsisten, mientras no se les demuncia y revoca por las partes contratantes; mientras tanto están en vigor y se cumplen. Si una de estas lo viola, la otra con pleno derecho puede exigir su estricto cumplimiento.

Ahora bien, el Tratado de 1795, interpretado en sus dudas por el Protocolo de 1877, está en vigor y constituye

la ley internacional voluntariamente convenida entre los Estados Unidos y España. Ambas naciones lo invocan, como Ley Suprema, que recíprocamente los obliga en sus mútuas diferencias.

Pues ese Tratado y su Protocolo de interpretacion vigentes, convienen en la forma unica en que pueden ser juzgados los ciudadanos de los Estados Unidos, estantes o residentes en España y esa forma convenida en el Tratado es la ley de Abril de 1821, que asi como el Protocolo dispone que cuando aquellos ciudadanos sean cogidos con las armas en la mano, sean juzgados por consejo de guerra ordinario.

Vigente el Tratado y su aditamento, lo está necesariamente su contenido. Es consecuencia lógica, hay que admitir, que no están derogadas como afirma V.E. ni los articulos del Protocolo ni el procedimiento de la ley de 1821, que subsisten y vivirán mientras dure el Tratado de que dependen.

Las leyes españolas por V.E citadas se contraen solo á los ciudadanos españoles y no pueden ser aplicadas á ciudadanos de los Estados Unidos. Para ello sería necesario que el Gobierno de los Estados Unidos consintiera en ello, pues sin denuncia y revocacion previa de los Tratados, sus clausulas todas permanecen en vigor, aun cuando leyes posteriors y particulares promulgadas por los Gobiernos cambien los procedimientos, pues estos cambios se han de referir necesariamente solo á los

subditos y ciudadanos respectivos, y no a los de la otra Nacion cuyo tratamiento legislan especialmente los Tratados. Estos, sin el comun acuerdo de las partes contratantes, cumplen en todo tiempo sus convenios sin que influyan en ellos las leyes posteriores que en su pais dicte una sola de las naciones sin conocimiento de la otra. El Tratado es una ley internacional, y las citadas por V.E. son solo nacionales o locales, es decir, obligatorias exclusivamente para los espanoles, pero de ningun modo para los extrangeros, cuya vida juridica regulan los Tratados, mientras esten admitidos por las naciones que amistosamente los otorgaron.

5o.- Deaqui que el juicio sumarisimo que pretende V.E. aplicar al caso de ciudadanos de los Estados Unidos viole por entero el Tratado que terminantemente lo prohibe; Tratado en la actualidad vigente, no denunciado por ninguna de sus partes otorgantes y que fije para el caso, como procedimiento, otro diametralmente distinto al indicado por V.E.

6.- Respecto a la no admision de la protesta formulada en tiempo contra la violacion por V.E. de los Tratados bastame con haberla establecida oportunamente, aun cuando V.E. aceptando la consulta del Sr. Auditor, no la tenga por hecha ni la acepte en forma alguna, por mas que V.E. reconozca que ha sido consignada en nombre de mi Gobierno.

7o.- Finalmente, como que a los efectos del jucio sumarísimo que se intenta aplicar, sgun la respetable

comunicacion de V.E. á ciudadanos de los Estados Unidos, cita V.E. en su apoyo leyes meramente necionales o locales tengo el honor de contradecirle, recordandole que el caso en cuestion se rije por la ley internacional de los Tratados vigentes, á los que no afectan en nada esas leyes particulares de la Nacion Española, en cuanto se opongan, respecto á ciudadanos americanos, á la particular acordada entre los Estados Unidos y España por los Tratados de que he hecho merito.

En nombre, pues, de mi Gobierno ratifico mi anterior comunicacion, y para el caso de someterse á juicio sumarisimo á ciudadanos de los Estados Unidos, formulo nueva protesta por violarse con ello la ley internacional solemnemente convenida entre los Estados Unidos y España en los Tratados que hoy regulan categorica y amistosamente las relaciones entre los Estados Unidos y España.

Aprovecho la oportunidad para reiterar a V.E las seguridades de mi mas distinguida consideracion.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 3

With Despatch No. 2987

H A B A N A , May 21, 1896.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

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COMMANDANCY GENERAL of MARINE of the NAVAL

STATION and SQUADRON of the WEST INDIES.

HABANA, May 9, 1896.

To the consul general of the United States,

Present.

Sir:

Your esteemed communication of the 7th instant, in which you answer mine of the same date having been received, I have now the honor to inform you that having referred it in consultation to the judge advocate of this Naval Station he reports upon as follows:

"Excellency: In obedience to your above su-
"perior decree, the undersigned has studied with
"the greatest care the esteemed communication ad-
"dressed you by the consul general of the United
"States of America in this capital, on the margin of
"which your decree is placed.

"The latest communication of the consul is a
"petition against the answer given him by Y.E. to
"his remonstrance of the 30th of April last. The
"consul has strengthened his first arguments, with
"the skillful resource of better diction, and with-
"out mention of legal provisions. I comply on

"my part by duplicating the reasons and arguments "of my previous report, which with the greatest res- "pect are now reproduced. If the present case, as "the consul general of the United States affirms, is "typical of article 7 of the Treaty of 1795, it is "not possible, without incurring in a grave miscon- "ception of fact and of law to maintain that the "American citizen ONA MELTON, who is the only one "that could in any manner profit by the efforts of "the consul, has not been prosecuted by order and "authority of law only, and according to the regular "course of proceeding. Such is the estimation given "to the proceeding had within the unquestionable "competency of the Marine Courts in a case in which "no precept of Law of Procedure of this Department "has been omitted and in the substantiation of "which a period of ten days has been employed; not- "withstanding the method of most summary process "(juicio sumarísimo) has been utilized, which is not "the exceptional tribunal capriciously believed "and to which the consular communication, now the "object of my attention, alludes.

I repeat there is a remarkable miscon- "ception of law in considering that the form of "most summary process excludes the ordinary coun- "cil of war and is opposed to the employment of "the most ample and efficient means of defense by "the parties accused ; the sole object of the most "summary process being to gain time, (conseguir la "mayor brevidad) in the different stages of pro- "cedure, simplifying some labors or proceedings

"of little importance. On a former occasion, when "treating of the same case, I was enabled to con- "vince Y.E. that charges for certain kinds of crimes "are triable by the ordinary most summary process, "whose proceedings are equally applicable to na- "tives and foreigners, and of course to citizens of "the United States, as much in those cases coming "under the Military, Naval or Civil jurisdictions. "It is, therefore, beyond all doubt that Melton and "his companions have been tried in the ordinary "way in such cases as come under the cognizance of "the most summary process.

"It is not necessary to insist on the point "of residence or stay as determinative of the com- "petency, which neither the accused, the consul, nor "directly the Government of the United , has dis- "cussed because not being the only cause of it.

"To the argument presented on that point, it "suffices to say that the declarations of the Pro- "tocol of 1877 were in no manner reciprocal, but to "the contrary, each one of the signers made his own "separately and upon distinct subjects as could not "less than occur in view of the nature of the "matters treated about and thespecial legislation "of the respective countries. The Protocol of the "12th of January, 1877, is not a treaty negotiated

"between two nations, nor even an addition nor com-
"plement of any preexisting treaty. It is only and
"exclusively what its preamble says: the result of
"a conference held with the desire to terminate
"amicably all controversy as to the effect of
"existing treaties in certain matters of judicial
"procedure, and communicated for its observance by
"a Royal Order. Therefore, the citation of interna-
"tional law about the revocation and denunciation
"of treaties are needless. Consequently, there
"being no violation in any shape or manner the
"Treaty solemnly agreed upon between Spain and the
"United States of the 27th of October of 1795, it is
"plain that within the terms of the most exquisite
"courtesy it is impossible for Y.E. to accept any
"of the protests of the consul of that friendly
"nation in this city.

And with approval of the above report I have the honor to transmit you copy of the same, and avail myself of the opportunity to reiterate to you the assurances of my most distinguished consideration.

(Signed) JOSE NAVARRO FERNANDEZ.

Enclosure No. 3

With Despatch No. 298

H A B A N A , May 21 1896.

COPY.

COMANDANCIA GENERAL de MARINA del APOSTADERO y ESCUADRA DE LAS ANTILLAS.

Recibida la respetable comon. de V.S. fecha 7 del corriente, en la que contesta á la mia de la propia fecha, tengo el honor de participarle que pasada á consulta del Sr. Auditor del Apostadero este funcionario la evacuá en los siguientes terminos:

"Excmo. Señor: Para obsequiar el superior de-
"creto de V.E. que antecede, ha estudiado el que
"suscribe con el mayor detenimiento la respetable
"comunicacion del Sr. Consul General de los Estados
"Unidos de America en esta capital, en que se ha im-
"puesto marginalmente aquel decreto. Es el nuevo
"escrito á que me contraigo una suplica á la con-
"testacion que mereció por parte de V.E. el de
"aquella representacion consular de 30 de Abril
"último. Esforzados de contrario los argumentos
"primitivos, mas con el hábil recurso de la mejor
"diccion que con el apuntamiento de disposiciones
"legales precisas que antes hubieran podido ser
"omitidas, cumpleme por mi parte duplicar usando de
"las propias razones y fundamentos de mi anterior
"dictámen, que doy con el mayor respeto, por repodu-

"cidas. Si el presente, como afirma el Sr. Consul
"General de los Estados Unidos es un caso tipico
"del articulo 7 del Tratado de 1795 no cabe sin
incurrir en grave error de hecho y de derecho man-
"tener que el ciudadano americano Ona Milton, que es
"el que unicamente pudiera en todo caso aprovechar
"las gestiones entabladas, no se haya procesado por
"orden y autoridad de la justicia, y segun los
"tramites ordinarios. Por tales dentro de la indis-
"cutible competencia de los Tribunales de Marina,
"son de estimar los de una causa en que no se han
"violentado los preceptos de la Ley de Enjuicia-
"miento de este fuero y en cuya sustanciacion se ha
"empleado un periodo de diez dias; no obstante haberse
"utilizado el juicio sumarisimo, que no es el tri-
"bunal extraordinario que crea caprichosamente y
"a que alude la comunicacion consular de que me ocu-
"po. Repito que hay notable error de derecho al
"considerar que el juicio sumarisimo excluye al
"consejo de guerra ordinario y se oponga a los medios
"mas amplios y eficaces de la defensa de los pro-
"cesados; siendo asi que su solo objeto es conseguir
"la mayor brevedad de los terminos simplificando
"algunas diligencias o tramites de poca importan-
"cia. Ya antes de ahora y tratando de esta misma
"materia he logrado convencer a V.E. de que con re-
"lacion a la pena de determinada clase de delitos
"es el juicio sumarisimo el ordinario, son sus tra-
"mites tantos para los nacionales como para todos

"los extrangeros con inclusion de los ciudadanos "americanos, los trámites ordinarios, es decir, los "comunes a todos, tanto en la jurisdiccion militar "de Guerra o Marina, como en la ordinaria. Queda pues "Excmo. Sr., fuera de toda duda que por los tramites "ordinarios para el caso del juicio sumarísimo y "en consejo de guerra, tambien ordinario, hase juz- "gado á Milton y sus compañeros. No es de insis- "tirse en el particular que se refiere a la resi- "dencia o estancia, como determinante de una compe- "tencia que ni los procesados, ni el Sr. Consul de "los Estados Unidos, ni directamente el Gobierno de "su Nacion ha discutido por no ser la única causa "de aquella. Al argumento presentado sobre ese "extremo bastaria oponer que las declaraciones "del Protocolo de 1877 no fueron en modo alguno "reciprocas, sino por el contrario cada uno de sus "signatarios hizo las suyas por separado y sobre "puntos distintos como no podia menos de suceder, "dada la índole de las materias que trataban y las "especiales legislaciones de sus respectivos "paises. El Protocolo de 12 de Enero de 1877 no es "un tratado celebrado entre dos naciones, ni siquiera "la adicion ni el complemento de ninguno prexis- "tente. Es única y exclusivamente lo que dice su "encabezamiento: el resultado de una conferencia "celebrada con el deseo de terminar amistosamente "toda controversia sobre el efecto de los tratados "vigentes en determinados casos de jurisdiccion

"y procedimientos, circulado para su cumplimiento
"por una Real Orden. Huelgan por lo expuesto las
"citas de principios de Derecho Internacional sobre
"revocacion y denuncias, y de aqui, que no resultando
"violada por modo, forma ni manera alguna, el tratado
"solemnemente convenido entre Espana y los Estados
"Unidos en 27 de Octubre de 1795, dentro de las re-
"glas de la mas exquisita cortesia es visto que á
"V. Esehace de todo punto imposible aceptar ninguna
"de las protestas del Sr. Consul General de aquella
"Nacion amiga en esta ciudad."

Y de conformidad tengo el honor de trasladarlo á V.S. en debida contestacion, aprovechando esta oportunidad para reiterar á V.S. las seguridades de mi mas distinguida consideracion.

Dios etc. Habana, 9 de Mayo de 1896.

(Signed) José Navarro y Fernandez.

Sr. Consul General de los Estados Unidos de America.

Enclosure No. 4.

With Despatch No. 2987

H A B A N A, May 21, 1896.

COPY.

URGENT. Consulate General of the United States.

HABANA, May 8, 1896.

To His Excellency the Governor and Captain General

of the Island of Cuba.

Excellency:

Yesterday, at 5 p.m., His Excellency the Admiral of the Naval Station, has replied to a communication addressed him on the 30th ultimo by this Consulate General, in which by reason of the capture of theamerican schooner "COMPETITOR", with several persons on board, I reminded him of the treaty obligations which absolutely prohibit, without exception in any case, the trial of american citizens within spanish territory by exceptional military tribunals, such as are here called by the name of most summary process.

I explicitly informed His Excellency the Admiral that on addressing him I did so in obedience to the orders of my Government, which exacts the strict fulfillment of its treaties with Spain; and at the end of seven days and at five o'clock in the afternoon of yesterday, I received his answer denying my affirmations and maintaining that the provisions of the Treaty of 1795 between the United States and Spain have been abrogated by

national or local laws subsequently enacted to the date of that Treaty by the Government of Spain.

And I am just informed by the morning newspapers that the trial is to take place this same morning at 8 o'clock under the form of procedure known here as the most summary process or fifteen hours after the receipt of the Admiral's communication in reply to the one which in the name of my Government I personally delivered to the second in command on the 30th ultimo.

But, Excellency, notwithstanding His Excellency the Admiral denies it, still the fact exists that the only criminal procedure under which citizens of the United States can be tried in the dominions of Spain is that designated in the Treaty of 1795 and the Protocol of 1877 construing it, under conformity to the procedure established by the law of the 17th of April, 1821.

All the existing treaty obligations between the United States and Spain having application to the case in question, prohibit, absolutely, the trial of American citizens within the spanish dominions under the procedure known as most summary process. The Treaty from which these obligations emanate has never been revoked and therefore still exists.

In the same afternoon of yesterday I replied to the erroneous communication of His Excellency the Admiral, protesting in the name of my Government against the trial by the form of most summary process in case it should be carried out, against the existing Treaty.

My Government cannot consent to any other form of trial for its citizens within the spanish dominions than those so clearly established in the Treaty of 1795. They may by force be tried by the most summary process; but, then, on my part, I decline all the responsibility that may in consequence accrue from such flagrant violation of the Treaty. My last communication to His Excellency the Admiral refutes and destroys all the errors in which his is inspired.

But as the persons accused, Ona Melton, Alfred Laborde are, as they inform me, american citizens, Laborde a native of New Orleans, Melton of Kansas; and Gildea, though of british nativity, the mate of an american vessel; and as article 5th of the Protocol textually says:

"The sentence pronounced shall be referred to
"the Audiencia of the judicial district, or to the
"Captain General, according as the trial may have
"taken place before the ordinary judge or before
"the council of war", I have, therefore, within the instructions of my Government, yet in time, to address myself to Your Excellency, as you have to pass on the sentence of this most summary process, to see that justice is done to these american citizens, and to annul the whole proceedings because having been practiced throughout in manner contrary to the Treaty between the United States and Spain.

Your Excellency being the superior representative

in this Island of the Government of His Majesty, and my legal and just demand having been rejected by the Admiral, and as the sentence in the case, whatever it may be, has in last instance to be submitted to the approval or disapproval of Your Excellency, I have therefore to beg Y.E. to order the delivery to you of my communication of the 30th ultimo and 7th instant addressed to His Excellency the Admiral with the view that Y.E. may personally examine the reasons and arguments therein stated.

Should Y.E. refuse to accede to my petition addressed to you in the preceding paragraph, in the name of my Government, I then most solemnly protest in its name before Y.E. against the violation of the Treaty on the part of the Government of Spain, which Y.E. so worthily represent in this Island, giving account of the act to my Government and of my remonstrances and protests presented to the Naval authorities and to the Superior authority of Y.E. before which in last instance the sentence must come, from a court incompetent under the Treaty to take judicial cognizance in the affairs of American citizens in this Island.

I have the honor to subscribe myself with the greatest respect and consideration Y.E.'s most obedient servant,

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 4

With Despatch No. 2987.

H A B A N A ,May 21, 1896.

COPY.

URGENTE.

Consulado General de los
Estados Unidos.

HABANA, Mayo 8 de 1896.

Excmo. Sr. Gobernador y Capitan General
de la Isla de Cuba.

Excmo. Senor:

Ayer, a las cinco de la tarde, se sirvio el Excmo. Sr. Comandante General de Marina, contestar una comunicacion de este consulado general del dia 30 del pasado, en la que, con motivo del apresamiento de la goleta americana "COMPETITOR" recordaba á aquella autoridad de Marina las disposiciones internacionales que prohiben en lo absoluto, sin excepcion en ningun caso, que ciudadanos de los Estados Unidos puedan ser juzgados militarmente en juicios sumarísimos.

Terminantemente manifestaba al Sr. Comandante General de Marina, que al dirigirme á él en la forma y con la manifestacion que lo hacia, obedecia á ordenes de mi Gobierno, que exije el cumplimiento estricto de los Tratados.

A los siete dias, y despues de las cinco de la tarde, se sirvió contestarme el Sr. General de Marina, ayer, negando mis afirmaciones y sosteniendo que las disposiciones de la ley internacional de los Tratados,

estaban derogadas por leyes nacionáles o locales promulgadas solo por el Gobierno Español.

Hoy me he enterado por la prensa de que el juicio sumarísimo se verifica esta mañana á las ocho o sea quince horas despues de la comunicacion que me fue entregada ayer á las cinco de la tarde, y á su vez, contestacion demorada siete dias, de la que por mi, en nombre de mi Gobirno, entregué personalmente el dia 30 del pasado.

Ahora bien, Excmo. Señor, aunque el Excmo. Sr. General de Marina lo niegue, el hecho cierto es que las unicas leyes criminales por las que pueden ser juzgados los ciudadanos de los Estados Unidos en los dominios españoles, son el Tratado de 1795, protocolo de 1877, que lo interpreta, y como procedimiento, la ley española de 17 de Abril de 1821, admitida en el Protocolo para el caso.

Todas estas disposiciones internacionales vigentes prohiben unánimemente que los ciudadanos de los Estados Unidos puedan ser juzgados en juicios sumarísimos, y los Tratados de donde emanan aquellas estan en vigor, no han sido denunciados, ni en consecuencia revocados.

Ayer mismo contesté la errónea comunicacion de la Excma. Autoridad de Marina, protestando en nombre de mi Gobierno del juicio sumarísimo, caso de que se llevara á efecto, contra lo convenido en los Tratados.

No puede mi Gobierno consentir que las cosas pasen

de otra manera que como lo disponen aquellos. Podrá por la fuerza realizarse el hecho del juicio sumarísimo, pero por mi parte declino toda responsabilidad en las consecuencias que nazcan de la flagrante violacion de los Tratados. Mi última comunicacion al Sr. General de Marina refuta y destruye todos los errores en que inspira la suya.

Mas como acontece que tres de los procesados Señores Ona Melton, Alfredo Laborde y William Gildea son, segun sus manifestaciones, ciudadanos americanos, Laborde, natural de Nueva Orleans, Melton, del Estado de Kansas, y el último de origen ingles y piloto de la goleta americana apresada, y como el artículo 5 del protocolo dice textualmente lo siguiente:

"La sentencia que recaiga se consultara con "la Audiencia, o con el Capitan General, segun el "juicio haya sido ante el juez ordinario o ante el "consejo de guerra",- dentro de las instrucciones de mi Gobierno me dirijo ahora todavia en tiempo, ante V.E. que necesariamente ha de consultar la sentencia del juicio sumarísimo, para que haciendo justicia a la Nacion que como Consul General tengo el honor de representar, declare nulo en todas sus partes la obra del juicio sumarísimo, por ser dicha forma de juicio contraria y opuesta en lo absoluto á lo que ordenan los Tratados celebrados y vigentes entre los Estados Unidos y España.

Siendo V.E. el representante superior en esta Isla del Gobierno de S.M.; jefe de las demas autoridades

en todos los ordenes, a V.E. me dirijo en esta ocasion, desatendido como he sido por el Sr. Comandante General de Marina en mi justa y legal demanda, ya, que ademas, por el protocolo, es V.E. quien en ultimo grado ha de consultar la sentencia que dicte. Y no solo me dirijo á V.E. en virtud del carácter superior que en V.E. concurre, sino tambien con el objeto que especialmente solicito de que pida V.E y examine el texto de las dos comunicaciones que he remitido el 30 del pasado y ayer al Excmo. Sr. Comandante General de Marina.

De no acceder V.E. á lo queen nombre de mi Gobierno dejo solicitado en párrafo anterior, protesto en nombre del mismo solemnemente ante V.E. de la violacion de los Tratados mencionados por parte del Gobierno Español, que V.E. tan dignamente representa, y daré cuenta á mi Gobierno del hecho ocurrido y de las reclamaciones que en tiempo he deducido ante las autoridades de Marina y ante la de V.E. llamado por el artículo 5 del Protocolo á consultar la sentencia nula que dicte el ilegal consejo sumarísimo, que juzgue á ciudadanos de los Estados Unidos, contra la Ley de los Tratados.

Tengo el honor de suscribirme de V.E. con el mayor respeto y consideracion.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 5.

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

CONSULATE GENERAL of the

UNITED STATES.

HABANA, 9 May, 1896.

To His Excellency the Admiral of this Naval Station

and Squadron.

Excellency:

In reply to your attentive communication of this date I have to say:

1st.- That the officers and crew of an American vessel enjoy, under the laws of any country, regardless of their nativity, the protection due to american citizens, and Laborde and Gildea, having assured me that they are master and mate, respectively, of the american schooner "Competitor", it is therefore clear that they are embraced in the clauses of the Treaties between the United States and Spain, and as to Melton, he being a native born american, there cannot be any doubt about his status and rights.

2nd.- The accused have been deprived of their right to name advocate and solicitor of their own choice for their defence and to freely communicate with them; neither have they been furnished with a copy of the accusation and with a list of the witnesses of the prosecution, or allowed to examine them in the prsence of themselves and

attorney and advocate, nor to summon witnesses in their favor, in a word none of the provisions of article 4 of the Protocol have been practiced in their behalf, and instead of a professional lawyer of their own choice a naval officer, as I understand, has been designated for their defence.

3rd.- The Protocol of 1877 not only confirms the Treaty of 1795, but is its most authentic interpretation.

4th.- The difference between the form of procedure known as most summary process and the stipulated ordinary council of war, constitutes an exceptional tribunal of the kind expressly excluded by the Protocol, the ordinary council of war admitted in the Protocol being that which is defined in article 2 of the law of the 17th of April, 1821.

5th.- Thestatement that the signers of the Protocol only expressed their private opinions therein is not correct; to the contrary, they together, and in common, and in the representation of the two countries, agreed upon that plan for the removal of all doubts and obscurities that had until then existed as to the methods of judicial procedure to be observed in the prosecution of american citizens within the dominions of Spain.

Consequently, I ratify my previous protests and, in the name of my Government, decline in Your Excellency and in His Excellency the Captain General of this Island, all the responsibility that may supervene from the trial of these men by most summary process and denial

of their right to be tried in the manner expressed by the Treaty of the 27th of October, 1795, and the Protocol construing it of the 12 of January, 1877, between the United States and Spain.

I am, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 5

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

Consulado General de los

Estados Unidos.

HABANA, Mayo 9 de 1896.

Excmo.Sr.Comandante General de Marina del Apostadero

y Escuadra de las Antillas etc. etc.

Excmo.Senor:

En contestacion á su atenta comunicacion del dia de hoy, solo debo exponer á V.E.:

1.- Que la oficialidad y tripulacion de un barco de los Estados Unidos, gozan, por las leyes de mi pais, cualquiera que sea su nacionalidad, de la proteccion y ventajas que los ciudadanos americanos, y siendo Laborde y Gildea, segun ellos mismos me aseguran, capitan y piloto respectivamente de la goleta americana "Competitor" claro es que les comprenden las clausulas de los Tratados celebrados entre los Estados Unidos y España, no abrigándose la menor duda respecto al derecho de Melton por haber la certeza de su naturalidad Americana.

2.- Que á esos procesados se les ha privado del derecho de nombrar procurador y abogado de su eleccion que comunique con ellos, no se les ha dado copia de la acusacion, ni lista de testigos, en una palabra, no se ha cumplido con ellos en nada el articulo 4 del Protocolo, y en vez de abogado profesional se les ha designado, segun tengo entendido, como defensor un señor oficial de Marina.

3.- El Protocolo de 1877 no solo confirma el Tratado de 1795, sino que constituye su interpretacion mas autentica.

4.- Entre el juicio sumarisimo y el consejo de guerra ordinario, hay la diferencia entre el juicio excepcional, que es el primero, y el ordinario que autoriza el Protocolo, cuyo consejo de guerra ordinario define el articulo 2 de la ley de Abril 17 de 1821; con lo que desaparece toda duda.

5.- No es exacto que los firmantes del Protocolo hablasen en el solo para si, sino que en comun y para ambas naciones resolvieron de acuerdo todas las oscuridades y dudas que en punto a jurisdiccion y procedimiento nacian del Tratado de 1795.

En consecuencia: Ratifico mis anteriores protestas, y en nombre de mi Gobierno declino en V.E asi como en el Excmo. Sr. Gobernador y Capitan General de esta Isla, toda la responsabilidad que pueda sobrevenir del hecho de haber sido juzgados y sentenciados ciudadanos de los Estados Unidos en juicio sumarisimo que prohiben terminantemente los Tratados celebrados entre los Estados Unidos y España.

Aprovecho la oportunidad para reiterar a V.E. el testimonio de mi mayor consideracion.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 6.

With Despatch No. 2987

H A B A N A , May 21, 1896.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

COMMANDANCY GENERAL of MARINE of the NAVAL STATION AND SQUADRON of the WEST INDIES.

HABANA, 9 May, 1896.

To the consul general of the United States,

Present.

Dear Sir:

Having received your attentive communication of this date insisting on the points treated in your two previous ones and ratifying your protests, I have the honor to inform you that I passed it in consultation to the judge advocate of this Station, and he has reported thereon in the following terms:

"Information having been given to the Govern-
"ment of His Majesty in everything concerning the
"proceedings had by reason of the capture of the
"schooner "Competitor" and being subject to its
"decision, it is not possible for Y.E. to take any
"resolution in this affair, or to accept protests
"from the consul general of the United States of
"America in this capital, nor enter in new dis-

"quisitions about a question already so much debated,
"and consequently it is my opinion that Y.E. should
"be pleased to reply in this sense to the said
"consular functionary leaving his action open for
"the fulfillment of the instructions of his Govern-
"ment in the manner and way he may esteem most
"convenient".

With my approval of the above report I have the honor to send it to you in reply to your said communication and to reiterate to you the testimony of my most distinguished consideration.

(Signed) JOSE NAVARRO y FERNANDEZ.

Enclosure No. 6

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

COMANDANCIA GENERAL de MARINA y ESCUADRA.

HABANA, Mayo 9, 1896.

Sr. Consul Gral. de los Estados Unidos.

Muy senor mio:

Recibida la atenta comunicacion de V. S. fecha de hoy insistiendo en los particulares de que trataba en sus dos anteriores y ratificando sus protestas, tengo el honor de participarle que la pasé á consulta del Sr. Auditor del Apostadero, cuyo funcionario la evacúa en los siguientes términos.

"Devuelto el conocimiento al Gobierno de S.M.
"en cuanto concierne al proceso seguido con motivo
"del apresamiento de la goleta "Competitor" y
"sujeto á su resolucion ya no es dable á V.E. tomar
"acuerdo alguno acerca de este asunto, aceptar
"protestas del Sr. Consul General de los Estados
"Unidos de America en esta capital, ni entrar en
"nuevas disquisiciones sobre cuestion tan debatida
"ya y por consiguiente entiendo que V.E. debe ser-
"virse responder en ese sentido a dicho funcionario
"consular dejando expedita su accion para que cum-

"pla los encargos de su Gobierno del modo, forma y "manera y conducto que estime conveniente".

Y de conformidad, lo manifiesto a V.S. reiterandole el testimonio de mi mas distinguida consideracion y significandole a V.S. en contestacion a su citada comunicacion.

(Signed) JOSE NAVARRO y FERNANDEZ.

Enclosure No. 7.

With Despatch No. 2987

H A B A N A, May 21, 1896.

TRANSLATED BY CONSUL GENERAL WILLIAMS.

GENERAL GOVERNMENT of the ISLAND of CUBA.

OFFICE of the SECRETARY.

HABANA, 9 May, 1896.

To the consul general of the United States.

Sir:

In reply to your attentive communication of yesterday, protesting, in the name of the Government of your Nation, against the court martial being held by the Commandancy General of the Navy for the trial of the prisoners of the schooner "Competitor", Laborde, Milton and another, I have the honor to inform you, by order of H.E. the Governor General, that knowledge of the said protest has been given to the Government of His Majesty.

I am, etc. (Signed) El Marques de Palmerola.

Enclosure No. 7.

With Despatch No. 2987

H A B A N A , May 21, 1896.

COPY.

GOBIERNO GENERAL de la ISLA de CUBA.

SECRETARIA GENERAL.

En contestacion al atento escrito de V.S. fecha de ayer, protestando, en nombre del Gobierno de su nacion, del consejo de guerra que se sigue por la Comandancia General de Marina de este Apostadero a los prisioneros de la goleta "Competitor", Laborde, Milton y otro, tengo el honor de manifestarle, de orden del Excmo. Sr. Gobernador Gral., que se ha dado conocimiento de dicha protesta al Gobierno de S.M.

Habana, Mayo 9, 1896. Dios etc.

(Signed) El Marques de Palmerola

a

Sr. Consul General de los Estados Unidos.

Enclosure No. 8.

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY.

British Consulate General.

Habana, May 8, 1896.

My dear Colleague:

I have just heard that one of the "Competitor's crew (who are to be tried to-day) is a british subject named Gildea. Now I am not at all sure that, in a case of this kind, consular interference will be of any avail; but at all events, as I understand the "Competitor" is an American vessel, it appears to me that you alone are competent to intervene. If, therefore, you find yourself in a position to give any assistance to your own people, might I beg of you to extend the samevaluable aid to my poor countryman?

Believe me, dear Mr. Williams,

Yours very sincerely,

(Signed) Alex Gollan.

Ramon O. Williams, Esq,

U.S. Consul General.

Enclosure No. 9.

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY.

U.S.Consulate General.

HABANA, May 8, 1896.

My dear Colleague:

In reply to your note of this morning, I am pleased to inform you that I included WILLIAM GILDEA, a native of Liverpool, England, but the mate of the american schooner "Competitor", in my petitions to the Captain General and Admiral, that the American prisoners of the "Competitor", be tried in accordance with article 7 of the Treaty between the the United States and Spain of 1795, and the protocol of January 12, 1877, construing it.

I am, etc.

(Signed) Ramon O. Williams.

Alex Gollan, Esq.,

H. B. M's Consul General,

HAVANA.

Enclosure No. 10.

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY.

British Consulate General.

Habana, May 11, 1896.

My dear Colleague:

I have to thank you for your note of the 8th instant. I felt quite sure in writing to you on behalf of my countryman Wm. Gildea that I could count upon all the assistance in your power.

It will probably be of interest to you to know what action I myself took in regard to the matter. On Friday the 8th instant, as soon as I heard that the Public Prosecutor had demanded that the extreme penalty of death should be applied to the prisoners, and was likely to be enforced forthwith, I addressed official communications both to the Governor General and Admiral requesting that if this was the decision arrived at, its execution should be suspended until I had the opportunity of communicating the facts by telegraph to H. B. M. Secretary of State for Foreign Affairs. On the following morning, on the 9th, the Admiral sent me a courteous reply stating that it was true the "Consejo" had agreed to a death sentence, but that in defreence to my wishes he had telegraphed to his Government at Madrid. Last night I received a further communication from the Admiral in which he states: "El Gobierno de S.M. la Reina

"Regente (q.D.g.) ha dispuesto suspender los efectos

"del consejo de guerra celebrado en el Arsenal con
"motivo del apresamiento de la goleta filibustera
"Competitor y la remision de la causa al Consejo
"Supremo".

Believe me, etc.

(Signed) Alex Gollan.

Ramon O. Williams, Esq,

U.S. CONSUL GENERAL.

Enclosure No. 11.

With Despatch No. 2987.

H A B A N A ,May 21, 1896.

COPY.

U.S.CONSULATE GENERAL.

HABANA,May 11,1896.

My dear Colleague:

I have to acknowledge the receipt of your note of to-day with many thanks for the intersting information therein conveyed.

Sincerely yours,

(Signed) Ramon O.Williams.

Alex Gollan,Esq.,

H.B.M's Consul General,

HAVANA.

Enclosure No. 12

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY. British Consulate General.

Havana, May 11, 1896.

My dear Colleague:

In a telegram which I received last evening from our Foreign Office regarding Gildea I am informed that the newspapers had reported the man to have become a naturalized American citizen. Will you kindly inform me if such is the case?

Yours etc. (Signed) Alex Gollan.

Ramon O. Williams, Esq.

U.S. CONSUL GENERAL.

Enclosure No. 13.

With Despatch No. 298.

H A V A N A , May 21, 1896.

COPY.

U.S.Consulate General.

HABANA, May 12, 1896.

My dear Colleague:

In reply to your note of 11th instant, just received, I have to state, that I have no information whatever as to the report that William Gildea, is a naturalized citizen of the United States. He told me at the prison that he was an Englishman and a native of Liverpool. He did not claim American citizenship, but as one of the crew,- he had engaged as mate,- of the American schr. "Competitor", it became my consular duty to defend him, under paragraph 171 of Consular Regulations, based on statutes, which states:

"that the circumstance that the vessel is
"American is evidence that the crew on board are
"such, and that in every regularly documented vessel,
"the crew will find their protection in the flag
"that covers them".

And as the "Competitor" was such a regularly documented vessel, Gildea was entitled to the protection of the United States Government, regardless of whatever rights he may have as a native born British subject.

I remain, etc.

(Signed) Ramon O. Williams.

Alex Collan, Esquire,
H.B.M's Consul General,- HAVANA.

Enclosure No. 14

With Despatch No. 297

H A B A N A , May 21, 1896.

Copy.

ARSENAL, or Navy Yard.

HABANA, May 8th, 1896.

My name is ALFREDO LABORDE; I am 38 years of age; I am a native of New Orleans, La ; I was the captain or master of the american schooner "COMPETITOR", belonging to Mr. Joseph Well, of Key West ; this vessel had a license a wrecking license, and I cleared her at the Key West Custom House, with four others besides myself, as crew, 5 all told; I took on board 24 men as passengers for Lemon City, Fla, at two dollars each; and sailed from Key West at 2 o'clock in the morning ; when in the neighborhood of Cape Sable, on the 22nd ultimo, the passengers took charge of the ship, seized her, and six of them came into my cabin to make me surrender the ship; one of them, named TABOADA, held a pistol to my breast, and I gave up the command; they then took the schooner to Cape Sable, and here took on board 23 men, with arms and munitions; they then informed me that from Cape Sable to Rebecca Light, they expected to meet a steamer with more men and arms for Cuba; but when we arrived off Rebecca Light, I told them that the schooner could not go into the Gulf, on account of her bad condition, but TABOADA, who acted as pilot, told me to shut up, and overpowered my objections.

We reached Cuba, near Berracos, San Cayetano, on

Saturday the 25th April and immediately landed ; they forced me to go in the first boat with one of the crew, and 19 men; all landed and escaped: I went back on board with the boat, and another lot landed; we were sighted by a Spanish tug- or steam launch; I ordered the American flag to be set, but the mate, Mr. WILLIAM GILDEA, who tried to set it, found the halliards foul, and as he was shot at twice, he threw it down. I held the flag against the rigging so that it should be seen; not a shot was fired from the schooner for we had no arms; the passengers had arms, and we understood also dinamite. We made no efforts to escape with the passengers, because we had been forced, and therefore we determined to stay by the ship; then we were seized, or captured by the Spanish launch.

They put me into what is called a Spanish windlass, by tying my wrists together and then drawing the rope tight by a stick thrust through, which caused me great torture and made my wrists swell.

I know nothing of a proclamation signed Laborde, there was another Laborde among the passengers, taller than I, and about 32 years old, who spoke French well; all our papers, letters, etc, were taken away by our captors, and we have none to show.

(Signed) ALFREDO LABORDE.

We have heard the foregoing statement read, and do also subscribe and depose to the same. ONA MILTON

declaring further, that as a newspaper correspondent he ought not to be considered as part of the crew.

(Signed) ONA MILTON.

(") WILLIAM GILDEA.

Witness: (Signed) JOSEPH A. SPRINGER.
Vice Consul General.

Subscribed and sworn to before me, at the ARSENAL, HABANA, at 7.30 A.M. this 8th May, 1896.

Witness my hand and official seal.

(Signed) RAMON O. WILLIAMS.

Consul General.

-----o------

Enclosure No. 15.

With Despatch No. 2984.

H A B A N A , May 21, 1896.

COPY. HAVANA NAVAL PRISON,

May 2nd, 1896.

Mr. Williams: (Received May 7)

Dear Sir:

I wish to know if you are aware that three american citizens have been imprisoned here for some time, if so please inform me immediately.

Relying on your wisdom and integrity as well as the high esteem with which you are held in the United States. I await your advice.

Most respectfully,

(Signed) ONA MELTON.

Enclosure No. 16.

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY. Saturday May 2,1896.

To the United States Consul,HABANA.

Sir:

I belong to the schooner COMPETITOR captured last Saturday by the man of war launch MENSAGERA, and I am accused of landing men and arms in Berracos opening , I would request you to see if anything could be done to help me out of the fix we are in, I cant say more but would explain fully if I could see you.

Yours etc.

(Signed) Wm. Gildea.

Enclosure No. 17.

With Despatch No. 2987.

H A B A N A , May 21, 1896.

COPY. HAVANA, May 7, 1896.

Consul of the United States.

Dear Sir:

We, the undersigned, the captain and the mate of the schooner COMPETITOR, of Key West, and a correspondent of the TIMES UNION of Jacksonville, Fla., citizens of the United States, who have been imprisoned here for some time, as you are probably aware, are to be tried at some hour to-morrow before the "Consejo de guerra".

Being informed this evening that we might write to you, we approve of the opportunity to respectfully urge that you attend our court martial in person or if it is not possible that you exert your best efforts in our behalf to the end that we may receive justice.

Respectfully yours,

(Signed) Captain Alfred Laborde.

" William Gildea.

" Ona Melton.

ASSISTANT SECRETARY
MAY 27 1896
DEPARTMENT OF STATE

No. 2988.

INDEX BUREAU
REC'D.
MAY 27 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 21, 1896.

Mr. Williams
to the
Department of State

Reporting Mr. Sanchez Poly,
the deputy Consul general's
visit to Labordo, Sibley, Melton,
Barnet and Leavitt, of the
"Competitor" expedition, now
held in custody at Fortress
Columbus.

No. 2988.

U. S. Consulate General.
Habana, May 21, 1896.

Hon. William H. Rockhill
Assistant Secretary of State.
Washington
D. C.

Sir:

I beg to inform you that having sent Mr. Sanchez Ruiz, the deputy consul general, this morning to visit Labrida, Gelabert, Melton, Barnet and Leavitt, of the "Competitor" expedition and now held in custody at Fortress Cabanas, he reports to me that he found all the men well: that they stated they were well treated and have no complaint on this score. William Leavitt, a

Seaman, says that he is a native of Bangor, Maine, and Charles Barnett, Steward, that he is a native of Staffordshire, England.

From their report it appears that these two were captured while asleep on a farm about 8 miles from "La Palma," a village near San Cayetano, on the North west Coast of Cuba.

I am, Sir,
Very respectfully,
Your obedient Servant.
Ramon O. Williams,
United States Consul

Consul. E

RECEIVED SECRETARY
MAY 27 1896
DEPARTMENT OF STATE

Solicitor ✓

No. 2989.

INDEX BUREAU
REC'D.
MAY 27 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, May 21, 1896.

Mr Williams
to the
Department of State.

To Atty Genl.
June 3.

Answering telegram
relative to Hearecker's trial
in New York.

No. 2989.

U. S. Consulate General.
Habana, May 21st 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

I beg to acknowledge the receipt of the Department's telegram of to-day reading:

"Hewecker will not
"be tried at May term,
"notify Dr. Montalvo not
"to come from Habana
"till further notice.
"Rockhill."

In consequence I informed Dr. Montalvo who requests to be advised at least three days before sailing in order to have time to make

make proper preparations.

I am, Sir,

Very respectfully,

Your obedient servant,

Ramm O. Williams,

Consul General.

Com. Bd
File

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2990.

U.S. Consulate General.
Habana, May 22d 1896.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

Desp

Relative to the proclamation of the Governor General Prohibiting the exportation of leaf tobacco.

1 Enclosure.

No. 2990.

U.S. Consulate General.
Habana, May 22, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In continuation of my despatch no. 2980 of the 19th instant in relation to the proclamation of the Governor General prohibiting the exportation of leaf tobacco the product of the provinces of Pinar del Rio and Habana, I have now the honor to submit to the consideration of the Department a copy of a letter addressed to me by Mr. Bruno Diaz, a tobacco merchant of New York & Tampa, and a citizen of the United States, protesting against

against the said prohibition.

Letters of the same tenor have been received at this office from Messrs. Federico Bauriedel & Co., Meinhard, Hemmann & Co., of Habana, Vicente Ybor & Co. of New York and Ybor City, Florida.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

1 Enclosure:
No. 1 - Copy of letter referred to.

Enclosure No. 1

With Despatch No. 2990

H A B A N A , May 22 1896.

COPY. HABANA, 19 May, 1896.

Ramon O. Williams, Esq.,

U. S. Consul General,

HABANA.

Sir:

In the Official Gazette of to-day appears a decree of the Captain and Governor General of this Island dated the 16th instant, prohibiting the exportation of all leaf tobacco which was grown in the provinces of Pinar del Rio and Habana of this Island after the expiration of ten days from the date of said decree.

I am a merchant doing business in this island and New York and have here at present a large sum of money invested in the 1896 crop of tobacco.

This tobacco at present is in its raw state in bundles as brought from the farmers and before it can be put through a course of manipulation called "packing" by the trade, which includes frmenting, moistening, assorting, reassorting and baling it, each of which process demands from one to forty days.

It is, therefore, plainly visible that the forced exportation of this merchandise within ten days or inability to export it after that is a damage to my interest and capital investe d in a marked degree.

And in my right as a citizen of the United States I protest most emphatically against the enforcement of the decree cited and the money damage caused to me thereby.

It is perhaps not amiss to state also that said decree appeared to-day, 19th, in the Official Gazette and is dated the 16th and that it appeared on Sunday in an unofficial daily newspaper under date of the 16th and bearing same date of the 16th.

I am, etc.

(Signed) BRUNO DIAZ.

DEPARTMENT OF STATE,
OFFICE OF SOLICITOR,
JUN 8 1896

Mr. Secretary:

Casanova is of Cuban birth and was naturalized here in 1860. Returned to Cuba in 1875; made frequent business trips to the United States till in 1883 he settled upon a sugar plantation. Whether he resided permanently in the United States prior to 1875, and whether he had the intent to return here for permanent residence before his misfortune does not appear.

His injuries are property losses, ~~and~~ accompanied by threats of violence and by personal indignity to himself and family, not resulting in bodily injury.

I do not think the personal ill treatment makes his case an exception to the rule, as Delgado's was, and I therefore recommend that Spain be notified of the existence, nature and amount of the claim without formal presentation of it.

W.E.C.

Mr.

Fee

DIPLOMATIC BUREAU
JUN 8 1896

No. 2991.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

MAY 25 1896
DEPARTMENT OF STATE

U. S. Consulate General

Habana, May 22 1896.

Mr. Williams

to the

Department of State.

Transmitting a claim against the Spanish Government, presented by Mr. Pedro C. Casanova.

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4. Enclosures.

No. 2991.

U. S. Consulate General.

Habana, May 22nd 1896.

Hon: William W. Rockhill,

Assistant Secretary of State.

Washington

D. C.

Sir:

I have the honor to transmit herewith copies of statements made before me by Mr. Pedro C. Casanova, a citizen of the United States, and declarations of two eye-witnesses presented by him to corroborate his own statements, in which are embodied

4/

claims against the Spanish Government, to the amount of forty thousand two hundred dollars for losses and damages to his property and interests in this Island, which he claims in his own and brother's names, as two thirds owners of the property; of forty thousand dollars, for personal indignities to himself and jeopardy of his life; and the further sum of two hundred and fifty thousand dollars, all in Spanish gold, for burning of the sugar house and machinery of his estate, "Central Cadanova".

I am, Sir, very respectfully,
Your obedient Servant,
Ramon O. Williams
Consul General.

H. Enclosures.

Enclosure No.1.

With Despatch No. 2991

H A B A N A , May 22 1896.

Copy.

HABANA, May 4th,1896.

Ramon O.Williams, Esquire.

U.S.Consul General.

HABANA.

Sir:

The undersigned,PEDRO C.CASANOVA, respectfully represents ;

that he is a native of the Island of Cuba, 56 years of age, married,planter and a citizen of the United States,which (citizenship) he acquired by naturalization in the Court of Common Pleas,city of New York in October, 1860 ;

that he came to Cuba in 1875,on a passport issued by the Department of State,numbered 48,204 and dated December 10th 1875,and he was also registered in the U.S.Consulate General Register of citizens under No.2192,February 12th,1876; that he has made frequent trips to the United States on his business affairs,and about the fall of 1883,he took up his residence in Cuba and took charge of the plantation "San Miguel",known also as "Central Casanova",situated at San Miguel de Jaruco,jurisdiction of the Province of Habana,of which plantation he is one-third owner,the said property having

been transferred to his brother, JOSE N. --(who transferred his share to his sister MARIA LUISA,---) and to his brother RICHARD A. and himself in equal parts, by his father during his lifetime; and that he has been recently acting as Administrator of said plantation, and that he had made all the necessary preparations on the plantation for the taking off of the present crop of 1895-96; and was ready to commence the grinding of the ripe cane in December last;

that during the revolutionary disturbances now agitating this Island, he has kept aloof from any participation therein, has punctually paid his taxes and other dues exacted by the Government, and observed all the laws of Spain in these dominions, and especially those laws of neutrality incumbent upon him to observe as a citizen of the United States.

That for a number of weeks past, he has been the object of petty annoyances on the part of the Spanish troops stationed at MINAS, which operate in the zone or belt of the plantation, and even of repeated outrages, such as taking away horses and cattle from the estate; and even in the early part of April last, a number of troops entered the "potrero" or stock-farm, "San Joaquin", part of the "SAN MIGUEL" estate, and forcibly opened and ransacked the dwelling house, which at the time was un-occupied by the appearer or any of his family and had been left in

charge of two employees; they threw down all the clothing, furniture, papers and books, and killed and carried away some of the geese and rabbits on the place; they also carried away one of the said employees, he is supposed to have been shot by them, the other man escaped. As it happened the Major, or Comandate was that day breakfasting with this appearer and his family; the next day this appearer sent a letter of complaint to him, but never received any reply or satis faction for the damages done him.

The 23rd day of April, part of these same troops came on the place and did a lot of wanton damage, tore down the drug store and the other two buildings used as stores, ripping them to pieces, leaving only the walls; they also forcibly opened the dwelling house of my sister Maria Luisa, then absent, and threw down all the furniture, glass ware, papers and books, and took away saddles, bridles, and whatever took their fancy; at the same time, and hour, their commanding officers were taking coffee at this appearer's house; that when they went away they took with them four of the operatives, who this appearer learned afterwards were shot; that he made no complaint because he was told the men would be returned, and he was also ignorant of the damage done to his property.

That on the morning of the 28th April, at about eight o'clock, a column of Spanish troops of about 300 cavaly and infantry, came from Minas under the

command of a captain, whom this appearer knows only by sight, and the Major, or Comandante FONDESVIELA/, and invaded the place; that the report of several discharges of musketry was heard followed afterwards by repeated shots, and in a few minutes some of the troops on horseback and afoot made their appearance, commanded by Captain Cerezco Martinez, who rode up to the house, and with gross and vile language ordered and intimated to all persons in the house, including the deponent's wife and children, - one of them an infant, - to come out at once.
A number of the soldiers pointing with their muskets and others using their swords, forced their way into the house and dragged out several of the inmates, who were the family of this appearer, his servants and tenants, who at hearing the firing had run into the house for protection. All the inmates, including his nephew, JULIO VIDAL, also an american born citizen, and this appearer, -- but excepting his wife and children, -- were forcibly dragged from the house to a short distance, and brought before the Captain commanding, who after a few minutes ordered them all to a still further distance, where all were bound together, with the exception of this appearer, and made to kneel on the ground, with the apparent purpose of being shot, which was the fate they expected as one of the colored men, called Manuel Febles, who attempted to escape by running away, was followed

and cut down.

That notwithstanding the tears and entreaties of his wife and child, that he should not be taken away, he was forcibly dragged off as stated, but after all manner of insults from one of the officers, he and his nephew were allowed to return to the house, where he found his family in the greatest agony respecting his fate; that he supposes they were released because the officer learned that they were American citizens.

That in consequence of these insults and injuries to his property and person, and the lack of protection which he was entitled to receive in the premises from the Spanish Government, this appearer was forced to abandon his property, and even was verbally ordered to do so by the said officer commanding to leave, who advised him also to leave the country, also assuring him that the Comandante FONDESVIELA would have shot him had he been present; wherefore this appearer with his family came precipitately to Havana.

That he has since learned that on the 3rd of May, all the buildings on his plantation, with the exception of the sugar house and machinery, have been totally destroyed by fire, as well as fire set to a number of his cane-fields, of which some had previously been burned, but by what parties he is ignorant, but supposes that this damage was done by those subjects of Spain in revolt against the

Spanish Government in Cuba, the so-called insurgents, as he learned that they had been in the vicinity that day.

That he estimates the loss and damage done to the plantation "SAN MIGUEL", and its annexes, by the ravages of the so-called insurgents, due to the lack of protection afforded him by the Spanish Government in this Island, and to the depredations of the Spanish troops, who have wilfully and wantonly destroyed his property, threatened his life and insulted his wife and children, to be as follows:-

About 150,000 arrobas of cane, burnt in the fields, say, value, ... $ 7,500.-

Value of the horses, mules, pigs, chickens, &c, which were on the place and which were taken by the insurgents and by the Spanish troops ; . . . . . " 3,000.-

Value of the buildings which have been completely destroyed by fire, including all their appurtenances; . . . . . .

one "casa de vivienda" dwelling house, . " 5,000.

one dwelling house for laborers and employees of the estate ; . . . . . " 3,500.-

three barracoons for the laborers and workers on the planatation; 3 at $3,000. each, " 9,000.-

carpenter shop, with tools, lathes and fixtures; 3,500.-

house for overseer and clerks of the place; " 4,000.-

kitchen and furniture; . . . . " 1,000.-

Over $ 36,500.-

Brought over,	$	36,500.-
Two houses built for stores, grocery and store-houses;	"	9,500.-
drug shop and apothecary store; . .	"	2,000.-
two othere houses for employees, adjoining the drug store;	"	2,000.-
one large house built to be used as a school and church;	"	5,000.-
twelve thatched houses, at $100. each,	"	1,200.-
house made and used as a cheese factory, built of thatch;	"	150.-
refrigerator, to cool water for the machinery;	"	250.-
house furniture of all kinds, contained in the dwelling houses, and burned, . .	"	4,000.-
Total;	$	60,600.-

Sixty thousand six hundred dollars, Spanish gold, representing the losses and damages to the said estate by fire and depredations of the insurgents and troops.

WHEREFORE, the said appearer for himself, as the owner of one-third of the said plantation, and in the name of his brother RICHARD A. CASANOVA, also a citizen of the United States, now residing in the United States, as the owner of another third of said plantation, doth solemnly and publicly protest against the Spanish Government of this Island, and against all others whom it doth or may concern, for the losses and damages to his property and interests, which he and his said brother have sustained , are

now suffering and may hereafter suffer, by reason of the facts herein set forth, which have occurred on account of the present state of affairs in this Island, and the lack of protection from the Spanish Government, and doth declare that the same are of right and ou ght to be borne by the said Spanish Government, having occurred as stated, and not by nor through any fault or ne glect on the part of this appearer, for himself, or acting as representative of his said brother RICHARD A. CASANOVA.

AND this appearer further declares that he, as well as his said brother, are entitled to demand and receive an indemnity from the said Spanish Government for the damages losses and injuries to their said property and interests, equal to the amount of their respective two thirds shares therein, or say, forty thousand four hundred dollars, Spanish gold, with interest thereon at 6 % annual until time of payment, and doth hereby make formal demand and claim for the said amount of indemnity.

AND for the personal indignities, abuse and insults, and putting in jeopardy his life, which this appearer sufferred from the threats and actions of the Spanish troops, on the 28th of April last, this appearer believes himself to be entitled to claim a further indemnity from Spain, to the amount of forty thousand dollars, and interest thereon till time of payment, and doth also hereby make formal demand and claim for the said amount of indemnity.

(Signed) PEDRO C. CASANOVA.

U.S.CONSULATE GENERAL.

HABANA, May 9th,1896.

BE IT KNOWN, that on this ninth day of May,1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr. PEDRO C.CASANOVA, a citizen of the United States, to me personally known,and known to me to be the person named in and who subscribed the foregoing instrument of the nature of a protest and claim for indemnity, against the Spanish Government,and being duly sworn , deposed to the same, and declared that the facts therein set forth are true.

(Seal.) WITNESS my hand and the seal of this Consulate General,this ninth day of May,1896.

(Signed) RAMON O.WILLIAMS.

Consul General..

-----o-----

A true copy:

Consul General.

----o---

Enclosure No. 2.

With Despatch No. 2991

H A B A N A , May 22. 1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, Cuba. May 12th,1896.

BE IT KNOWN, that on this 12th day of May,1896 before me,the undersigned, Consul General of the United States of America at HABANA,personally appeared Mr.ANDRES TORRES CRESPO,and being duly sworn, did depose as follows:

that his name is ANDRES TORRES CRESPO,a native of the Province of Coruna, Spain,33 years of age, married and of commerce by occupation;

that he has been for nearly two years past, employed on the sugar plantation "SAN MIGUEL" situated in San Miguel de Jaruco,province of Habana, and owned by Don PEDRO C.CASANOVA, engaged as cheese making,and such was his occupation during the past month of April.

That on the 28th of said month,he was on the said estate and witnessed the arrival of Spanish troops,some on horseback and others on foot,commanded by Captain CEREZO MARTINEZ, to the number apparently of 300 men; that they rode up to the dwelling house and ordered out all the inmates at the time in the house; that Mr.CASANOVA and his nephew,JULIO

VIDAL, and several employees of the estate, including this appearer, who had taken refuge in the house, were dragged out; one of the servants, named ELEUTERIO ZANABRIA, a colored man who worked with this appearer in cheese making, was cut down, (macheteado) on being dragged out of the house, and severely wounded; that he saw that the owner, Mr. CASANOVA was also dragged away, but Mr. VIDAL and the rest of them were taken off to a distance from the house, and taken before the captain commanding the force; on the way one of the party, a colored man named MANUEL FEBLES, endeavored to escape by running away, but he was followed up by several of the soldiers and "macheteado".

When they arrived before the captain, the whole party were tied by their arms, one to the other, and ordered to kneel on the ground; this appearer expected nothing less than that he would be immediately shot, after some time, this deponent was released; he believes it was because he was known to the man who acted as guide to the column; but the others were taken off by the column to CAMPO FLORIDO, as he believes, for the purpose of presenting them to Major FONDESVIELA.

This appearer further declares that the statement of Mr. PEDRO C. CASANOVA, the owner of the estate, relative to the outrages committed on himself, his family, servants and workmen, of whom he was one, has been read over to him, and that he fully corroborates the same in all its particulars and swears to the

truth of the statements therein set forth.

(Signed) ANDRES TORRES CRESPO.

Sworn to and subscribed before me, date as above.

(Signed) RAMON O. WILLIAMS.

U.S. Consul General.

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A true copy:

Ramon O. Williams

Consul General.

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Enclosure No. 3.-

With Despatch No. 2991 .

H A B A N A , May 22 1896.

Cppy.

H A B A N A , May 19th,1896.

BE IT KNOWN, that on this 19th day of May,1896 before me, the undersigned, Consul General of the United States of America at HABANA,personally appeared Mr.MIGUEL RODRIGUEZ, and being sworn,did declare and state as follows:

that his name is MIGUEL RODRIGUEZ ; a native of San Jose de las Lajas ; 60 years; married,and a field laborer by occupation.

That he has been for six or seven years past, employed on the sugar plantation #SAN MIGUEL",situated at San Miguel de Jaruco,owned by DonPEDRO C. CASANOVA,and it is also known as "CENTRAL CASANOVA".

That on the 28th of April last,while at his house in the batey ,he saw the arrival of a column of Spanish troops,some 300,horse and foot,who,before they reached the batey even, shot off a number of shots,scattered shots,inthe direction of the dwelling house of the place; they came into the batey, and a number of them,with an officer on horseback, came up to the house; shouted out to the inmates to come out at once,and if not they should be killed

right there; the officer, especially was gross in his language; several soldiers went into the house and dragged the inmates out, these were the owner, and his wife and three children, the servants, several farm laborers, Mr. Casanova's nephew, JULIO VIDAL, and TORRES, the cheese maker. Upon taking the men out, one of the laborers, ELEUTERIO ZANABRIA, was strudk on the arm with a machete, which nearly cut it off; the owner, Don PEDRO CASANOVA, was dragged out by force, the soldiers pointing their arms; all were taken out and brought before the Captain, at some distance from the house; that he saw from his house the soldiers tie the men altogether, with the exception of the owner; that he concealed himself from view in his house, and peering through a chink, saw one of the party, a young negro, MANUEL FEBLES, start to run away, shouting and screaming, quite a number of the soldiers, on horse and a-foot chased him and killed him with their machetes, even gouging out his eyes, leaving his dead body where it lay. Some of the soldiers broke open and ransacked the overseer's house, and others shook down the back doors and entered the house of this deponent, and took away some plates, spoons, etc. That he saw everything from his house where he remained quiet and that he overheard the captain who seemed in command of the troops order the owner to leave the plantation or that he should be shot if he remained; the soldiers remained about an hour longer, and then went away, carrying off

with them, Tomas Linares; Zanabria, the wounded man, Ciriaco Ferrera; Florencio Cardenas, a colored servant and Andres Torres, the cheese maker. The owner, and his nephew were left behind after being threatened; that he has heard that Torres was released, but he has no knowledge of the others named.

(Signed) MIGUEL RODRIGUEZ, his X mark.

Witnesses: (Signed) Joseph A. Springer.--H. Drain.

Sworn to and subscribed before me, this 19th May, 1896.

(Signed) RAMON O. WILLIAMS.

Consul General.

-----o-----

A true copy:

Ramon O. Williams

Consul General.

Enclosure No. 4

With Despatch No. 2991

H A B A N A , May 22 1896.

Copy.

HABANA, May 16th, 1896.

Ramon O. Williams, Esquire.

Consul General of the United States.

Habaná.

Sir:

The undersigned, PEDRO C. CASANOVA, respectfully represents;

that on the 9th instant he appeared before you and duly entered his protest against the Spanish Government, for the losses and damages to the plantation "SAN MIGUEL", also known as "CENTRAL CASANOVA", situated at San Miguel de Jaruco, province of Habana, of which he is part owner; protesting against the lack of protection from the Spanish Government and the material damages to his property and interests, and claiming indemnity for same, as well as for the indignities and insults to his person, and jeopardy of his life, all of which is set forth in the said protest and claim.

That he has since learned, that the sugar-house with its machinery which remained on the plantation, has been burned on the 15th instant, and become a total loss; that he cannot state whether it was

burned by insurgents or by the Spanish troops, but in any case the loss was occasioned by the lack of protection from the Spanish Government, and this appearer's forced abandonment of his property, as already stated.

Consequently, he again protests against the Spanish Government for the losses sustained to the said plantation, of which he and his brother RICHARD A. CASANOVA, were owners of two-third parts, estimating the further loss occasioned by the burning of said sugar-house and machinery, to be at least two hundred and fifty thousand dollars, ($250,000.-) and doth hereby make formal claim for an indemnity to that amount with interest until time of payment.

(Signed) PEDRO C. CASANOVA.

-----o-----

U.S. CONSULATE GENERAL.

HABANA, May 19th, 1896.

BE IT KNOWN, that on this 19t day of May, 1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr. PEDRO C. CASANOVA, a citizen of the United States, personally known to me to be the person named in the foregoing instrument of the nature of a protest and claim for indemnity against the Spanish Government to which he hath subscribed his name, and duly sworn, deposed to the facts therein, set forth. which he declares to be true.

Witness my hand and the seal of this Consulate General this 19th day of May, 1896.

(Signed) RAMON O. WILLIAMS.
Consul General.

A true copy:

Ramon O. Williams,
Consul General.

K.

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2992.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, May 22, 1896.

Mr. Williams,
to the
Department of State.

Reporting the arrival of
Mr. Donnell Rockwell, here
on the 20th instant.

No 2992.

U. S. Consulate General.
Habana, May 22. 1896.

Hon. William J. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to the Department's instruction No. 1363 dated the 11th instant, I have to report that Mr Donnel - Rockwell, a Consular Clerk of the United States, arrived here on the 20th instant, and was assigned by me for duty in this office yesterday.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE.

No. 2993.

U.S. Consulate General.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

Habana, May 22, 1896.

Mr. Lawler informed May 28.

Mr. Williams

to the

Department of State.

Answering the Department's instruction No. 1359 of the 6th instant relating to Mr. José Gonzalez.

Con. Bd.

Substance to Mr. Lawler.

Ftr

WA

No. 2993.

U.S. Consulate General.
Habana, May 22, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of your instruction nº 1359 of the 6th instant in relation to the reported imprisonment in this island of Mr José Gonzalez, a citizen of the United States, who was subject of the Department's instruction nº 1334 of the 11th ultimo and of my despatch nº 2915 of the 12th of same upon the allegation of Mr. Neuber that Mr. Gonzalez had been sentenced to be shot at Matanzas,

which

which upon investigation
at the latter place was shown
to be without foundation.

Mr. Neuber now supposes
that Mr Gonzalez has been
found in a demented state
and imprisoned somewhere
in Havana. Accordingly, I
have addressed a note to the
Director of the Insane Asylum
of this city making inquiry
regarding Mr. Gonzalez, Insane
persons not being admitted
in the military establishments
of this Island. As soon
as an answer is received
it will be communicated
to the Department.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams
Consul General

uyf.

Informa
Wonder
Mr. Carlisle
informed
May 28.

No. 2994.

U. S. Consulate General,
Habana, May 22, 1896.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

Mr. Williams

to the

Department of State.

Answering the Department's
instruction no. 1361 of the 9th
instant relating to Daultore P.
and Henry D. Arnold.

No. 2994.

U.S. Consulate General.
Habana, May 22nd 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In reply to your instruction No. 1361 of the 9th instant relating to Dauthon P. and Henry P. Arnold, subjects of previous correspondence between the Department and this Consulate General, I have the honor to state that no information concerning the whereabouts of these young men has reached me since the 9th of last January, date of my despatch No. 2763. Should any thing be learned of them by this office the Department

Department will be immediately informed

I am, Sir,
Very respectfully,
Your obedient servant,
Thomas C. Williams,
Consul General.

Send check to
Walter G Dygert

ASSISTANT SECRETARY
MAY 26 1896
DEPARTMENT OF STATE

Cm Prud

No. 2995.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

U. S. Consulate General
Habana, May 23 1896

To Hon A. I. Hopkins
June 1 - with orig
encls.

Mr Williams
to the
Department of State.

Transmitting draft for $3.95 proceeds of five dollars Spanish silver, belonging to Walter Grant Dygert.

One enclosure

No. 2995.

U. S. Consulate General.
Havana, May 23rd 1896.

Hon. William W. Rockhill,
Assistant Secretary of State.
Washington.
D.C.

Sir:

Upon his release from prison and departure for the United States, on 25th of April last, Mr. Walter Grant Dygert left in the possession of the military authorities, the following articles which had been taken from him upon his arrest:

five dollars in Spanish silver;
small purse, with pair sleeve buttons;
one rubber coat;
cravat and pair suspenders,
five handkerchiefs.

These effects were yesterday

delivered to this office, by order of Comandante Almanza, the fiver Instructor in Dygert's case.

The five dollars, Spanish silver, reduced to Spanish goed, yielded . . . $4.35, which in turn, reduced to U.S. money at 10% P. rate of exchange, yielded $3.95 for which I enclose herewith Messrs Hidalgo & Co's Dft on Messrs August Belmont & Co, New York, for said amount payable to the Honorable Secretary of State.

As the purse and artictes of clothing were with Dygert in prison, and may contain germs of disease, for prudential and hygienic reasons I do not forward them, but will retain them in this office subject to personal delivery.

I

I am Sir,

Very respectfully

Your obedient Servant

Consul General

Enclosure;

Draft for £3.9s.

Secretary of State.
MAY 28 1896

ASSISTANT SECRETARY
MAY 27 1896
DEPARTMENT OF STATE.

No. 2996.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 23, 1896.

Mr Williams

to the

Department of State.

Relative to Charles Barnes and William Leavitt, seamen supposed to belong to the crew of the 'Competitor', and captured on land.

5 Enclosures.

No. 2996.

U.S. Consulate General.
Habana, May 23rd 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my dispatch No. 2988 of the 21st instant relative to Charles Barnet and William Leavit, seamen supposed to belong to the crew of the American schooner "Competitor," and who were captured on land, I now beg to enclose the copies of the correspondence had with the Governor General and the Admiral of the Naval Station regarding same. 5/

I am,
Sir,

Sir,

Very respectfully,

Your obedient servant,

Lamm D. Williams

Colonel General.

5 Enclosures.

No. 1 - Mr Williams to Gov. Genl. May 12

" 2 - " Admiral " "

" 3 - " Governor Genl. " 18

" 4 - " Admiral "

" 5 - The Gov. Genl. to Mr Williams " "

Enclosure No. 1

With despatch No. 2996

H A B A N A , May 20, 1896.

COPY.

Consulate General of the
United States.
Habana, May 12, 1896.

To His Excellency the Governor and Captain General
of the Island of Cuba.

Excellency:

Being informed by the newspapers of this afternoon that two american citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the american schooner COMPETITOR have been captured on land and that they are to be tried by the Marine jurisdiction I have to apply to Y.E., as the superior representative and delegate of the Government of H.M. the King of Spain, to ask in the name of my Government:

First:- For the strict observance of article 7 of the Treaty of 1795, interpreted by both Governments in articles 1, 2, 3, 4 and 5 of the Protocol of 1877, respecting american citizens accused of seditious acts in spanish territory against the Supreme Govrnment of Spain, and

Second:- That if the sentence should be that of death its execution be suspended to give time to communicate by telegraph to His Excellency the Minister of State at Washington.

I am, etc,
(Signed) Ramon O. Williams,
Consul General.

Enclosure No. 2.

With Despatch No. 2996

H A B A N A , May 23 1896.

Copy. U.S.Consulate General.

HABANA, 12 May, 1896.

To His Excellency the Admiral of this Naval Station and Squadron.

Excellency:

Having read in the papers of this afternoon that two american citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the american schooner "Competitor" have been captured on land and that it is intended to try them by the Marine jurisdiction I have to ask Y.E., in the name of my Government:

First:- The strict observance of article 7 of the Treaty of 1795, as interpretd by both Governments in articles 1, 2, 3, 4 and 5 of the Protocol of 1877, concerning citizens of the United States in the spanish dominions accused of acts of sedition against the Supreme Government of Spain; and

Second: That if the sentence pronounced should be that of death its execution be suspended to give me time to communicate by telegraph with His Excellency the Minister of State at Washington.

I am, etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 3.

With Despatch No. 2996

H A B A N A , May 23, 1896.

COPY.

U.S.Consulate General.

HABANA, 13 May, 1896.

To His Excellency the Governor and Captain General

of the Island of Cuba.

Excellency:

Having been informed that the two american citizens recently arrested to whom I referred in the communication I had the honor to address yesterday afternoon to Y.E., as belonging to the expedition of the american schooner COMPETITOR, are simply sailors belonging to the crew of that vessel, I have to beg Y.E. that if this is the fact, to please order through the proper authorities that the trial of these american citizens be conducted with adherence to the terms of the existing Treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I have the honor to reiterate to Y.E. the testimony of my most distinguished consideration signifying at the same time that in the same sense I have addressed the Marine authority.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 4

With Despatch No. 2996

HA B A N A, May 23, 1896.

COPY. U.S.Consulate General.

HABANA, 13 May, 1896.

To His Excellency the Admiral of the West Indies

Naval Station..

Excellency:

Having been informed that the two american citizens recently arrested to whom I referred in the communication I had the honor to address yesterday afternoon to Y.E., as belonging to the expedition of the american schooner COMPETITOR, are simply sailors belonging to the crew of that vessel, I have to beg Y.E that if this is the fact, to please order through the proper authorities that the trial of these american citizens be conducted with adherence to the terms of the existing Treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I am, etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 5

With Despatch No. 2996

H A B A N A , May 23, 1896.

TRANSLATED by Consul General Williams.

General Government of the Island of Cuba.

Office of the Secretary.

HABANA, 13 May, 1896.

To the consul general of the United States,

Present.

Sir:

Replying to your attentive communications of yesterday and to-day, referring to two american citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the schooner COMPETITOR and which you understand have been made prisoners, I have the honor to inform you, by order of the Governor General, that citizens of the United states are judged in accordance with the Treaties existing between Spain and the United States; and that the sentences of death are not executed unless they are approved by the Government of His Majesty.

I am, etc.

(Signed) El Marques de Palmerola.

Enclosure No. 5.

With Despatch No. 2996

H A B A N A , May 23, 1896.

COPY.

Gobierno Gneral de la Isla de Cuba.

Secretaria General.

En virtud de las atentas comunicaciones de V.S. fecha de ayer y hoy, referentes a dos ciudadanos americanos nombrados Charles Barnet y William Leavit que se supone pertenezcan a la expedicion dela goleta Competitor y que manifiesta V.S.han sido hecho prisioneros; tengo el honor de comunicarl,de orden del Excmo.Sr. Gobernador General que los ciudadanos americanos son juzgados con arreglos a los Tratados existentes entre Espana y los Estados Unidos; y que las sentencias de muerte no se ejecutan sin que recaiga la aprobacion del Gobierno de S.M.

Dios, etc. Habana,13 de Mayo de 1896.

(Signed) El Marques de Palmerola.

Sr.Consul General de los Estados Unidos en esta capital.

E.

ory N.

ASSISTANT SECRETARY
MAY 27 1896
DEPARTMENT OF STATE.

No. 2997.

INDEX BUREAU
REC'D.
MAY 26 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 23d 1896.

Mr. Williams
to the
Department of State.

Com
To Atkins & Co
& Clothing Mfrs.
2 mos.

Relative to the return
of a fine of $7460 imposed
on Messrs. E. Atkins & Co of
Boston.

1 Enclosure.

No. 2997.

U.S. Consulate General.
Habana, May 23, 1896.

Hon. William W. Rockhill
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to submit to the Department a copy and translation of a communication I addressed the Intendant General of Finance under date of the 21st instant, asking him to please issue the proper order for the prompt payment of the amount of $7760 to Messrs. Cacicedo & C., which these gentlemen had deposited at the custom house of Cienfuegos, as agents of Messrs. E. Atkins & C., of Boston, because of a clerical error in

in the manifestation of the weight of some machinery received for the 'Soledad' plantations by the Steamer "Niagara" last September, Pas notwithstanding a Royal order has been given at Madrid, at the instance of the Government of the United States, for the return of said amount, the money has not been received by Messrs. Cacicedo & C, and nothing is known at the custom house of Cienfuegos about the matter.

The Intendant General, upon whom I called yesterday and delivered my communication informed me that the proper orders would be issued at once to the Custom house of Cienfuegos for the return of the money.

I am,
Sir,

Sir,

Very respectfully,

Your obedient Servant,

Jam[illegible] Williams,

Consul General.

One enclosure:

No. 1 - Mr Williams to the Intendant General, May 21st -

Enclosure No.1.

With Despatch No.2997.

H A B A N A , May 23,1896.

COPY. U.S.Consulate General.

HABANA, May 21,1896.

To His Excellency the Intendant General of Finance.

Excellency:

I beg to inform Y.E. that notwithstanding the Royal order issued at Madrid, at the instance of the Government of the United States, for the return of the $7460 deposited by Messrs.Cacicedo and Company, as agents of Messrs.E.F.Atkins & Co., of Boston, Mass., because of a clerical error in the manifestation of the weight of some machinery received for the "Soledad" plantation by the american steamer "Niagara"", last September, nevertheless I am informed that not only has the money not been returned to Messrs.Cacicedo & Co., but that nothing is known at the custom house of Cienfuegos about the matter. In consequnce, I have to ask Y.E. to have the goodness to issue order for the prompt payment of the amount in question to Messrs.Cacicedo & Co.

I am, etc.

(Signed) Ramon O.Williams,

Consul Gneral.

Enclosure No.1.

With Despatch No.2997.

H A B A N A , May 23,1896.

Copy.

Consulado General de los
Estados Unidos.

Habana, 21 May ,1896.

Excmo Sr.Intendente Gral.de Hacienda.

Excmo.Sr.:

Tengo el honor de poner en conocimiento de V.E.que no obstante la Real orden expedida en Madrid, a instancia del Gobierno de los Estados Unidos, disponiendo la devolucion de la suma de &7460 depositados por los Sres.Cacicedo y Ca., de Cienfuegos, en su caracter de agentes de Mr.E.Atkins y Ca., de Boston, Estados Unidos, por habersele impuesto dicha cantidad como multa por un error de pluma cometido al manifestar el peso de cierta maquinaria que en Septbre.ultimo recibieron aquellos senores por vapor "Niagara"y con destino al ingenio "Soledad", se me informa que no solo aun no se ha devuelto el citado importe a los Sres.Cacicedo y Ca. , sino que nada sabe del asunto la aduana de Cienfuegos.

Por cuyo motivo acudo a V.E.rogandole se sirva disponer que se entregue desde luego la expresada cantidad a los Sres.Cacicedo y Ca., como dispone la Real orden a que he tenido el honor de hacer referencia.

Soy de V.E.etc.

(Signed) Ramon O.Williams,

Consul General.

RECEIVED. MAY 29 1896 BUR. ACCOUNTS. DEP. OF STATE.

ACCOUNTS. DEP.

Cons.
Cor. Bur.
Ark. file.
Bur. accounts.

ASSISTANT SECRETARY
MAY 28 1896
DEPARTMENT OF STATE.

No 2998.

INDEX BUREAU
REC'D.
MAY 28 1896
DEPT. OF STATE

U. S. Consulate General
Habana. May 23/96.

Mr. Williams
to the
Department of State.

First of Exs sent to Hon Johns. H. R. 1 June 1. '96

Transmitting second of exchange for #3.95. first forwarded in number 2995; for account of Walter Grant Dygert.

File duplicate with despatch

Enclosure.

No. [redacted]

Exchange for $ [redacted] Havana May 22 1896

At days after sight of this **SECOND** of Exchange

(First and Third of same tenor and date unpaid) pay to the order of

[redacted]

Value rec'd of Mr. Ramon O. Williams —

To Messrs. August Belmont & Co.

New York.

Hidalgo & Co

HIDALGO & Co.

H

SECOND

C.H. Clayton & Co. 157 & 159 Pearl St. N.Y.

No: 2998.

U. S. Consulate General.
Havana, May 23 1896

Hon: William W. Rockhill.
Assistant Secretary of State.
Washington
D. C

Sir:

Referring to my despatch no 2995, of this date, I herewith transmit second of exchange of draft on Messrs August Belmont & Co, - for - $3.95 payable to the Honorable Secretary of State; the proceeds of five dollars Spanish silver belonging to Walter Grant Dygert, recently released from prison.

Very respectfully
Your obedient servant,
Ramon O. Williams.
Consul General.

One enclosure:
Second of Exch:-

Con. Bur.
File

ASSISTANT SECRETARY
MAY 28 1896
DEPARTMENT OF STATE.

No. 2999.

INDEX BUREAU
REC'D.
MAY 28 1896
DEPT. OF STATE

U.S. Consulate General,
Habana, May 23, 1896.

Mr Williams

File

to the

Department of State.

Answering instruction No.
1368 of the 18th instant
relating to George Calvert,
an American citizen.

No. 2999.

U.S. Consulate General.
Habana, May 23d 1896.

Hon. Richard Olney,
Secretary of State,
Washington,
D.C.

Sir:

I have the honor to acknowledge the receipt of your instruction no. 1368 of the 18th instant directing me to investigate and report to you upon the case of George Calvert, an American citizen registered as such at the Consulates at Habana and Santiago de Cuba. I beg to say in reply that it seems to me that the old honored Maryland name of Calvert in this case must have been

by

by some mistake substituted with that of George Calvar, a naturalized citizen of the United States of Cuban birth, who is now under arrest at Manzanillo and whose case is receiving due attention by our consul at Santiago de Cuba, Mr. Hyatt, and of this office, as the correspondence on the subject with the Department will show, and with reference to whom, as confirmed in my number 2960 of the 9th instant, I telegraphed you as follows on the same date:

"I recommend
"that the attention of
"the Madrid Govern-
"ment be called at
"once to unjustifiable
"delay on the part

of

"of the military juris-
"diction in the cases
"of Calvar and Duarte,
"Santiago de Cuba,
"Pelletier, Cienfuegos,
"and Gleaus at Sagua.
"Consular efforts have
"been exhausted, instruct
"effect."

In conclusion I have to say that no American citizen named George Calvert, is registered at this consulate general.

I am, Sir,
Very respectfully,
Your obedient servant,
Lamar V. Williams,
Consul General.

No. 3000.

INDEX BUREAU
REC'D.
JUN 1 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, May 25, 1896.

J. E. Atkins & Co.
June 6.

Mr. Williams
to the
Department of State.

Relative to the return of the amount of $7460 deposited at the custom house of Cienfuegos by Messrs. Caciedo & C, agents of Messrs. E. Atkins, of Boston, because of a fine for a clerical error in the manifestation of some machinery received at that port by Steamer "Niagara" for the "Soledad plantation on September last.

1 Enclosure.

No. 3000.

U.S. Consulate General.
Habana, May 25, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no. 2997, of the 23d instant, relative to the return of the amount of $7460 deposited by Messrs. Caicedo & C, at the Custom House of Cienfuegos, as agents of Messrs. E. Atkins & C, of Boston, Mass., because of a fine imposed for a clerical error in the manifestation of the weight of some machinery received for the "Soledad" plantation by the steamer "Niagara" last September, I now beg to enclose a copy, with translation,

translation, of a communication received yesterday from the Intendant General of Finance informing me that orders have been issued urgently recommending not only the said custom house but also the Assistant Treasury of the province of Santa Clara, to which Cienfuegos belongs, to comply immediately with the terms of the Royal order relating to the return of the amount deposited.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

1 Enclosure:
No. 1 - The Intendant to Mr Williams, May 27.

Enclosure No. 1.

With Despatch No. 3000.

H A B A N A, May 25, 1896.

TRANSLATION.

Intendancy General of Finance of the

Island of Cuba.

HABANA, 22 May, 1896.

To the consul general of the United States,

Present.

Sir: -

I have the honor to inform you in answer to your note of the 21st instant that on the 25th of April last the Royal order abrogating the fine imposed on Messrs. Cacicedo & Company, as agents of Mr. Atkins, because of a clerical error in the manifestation of the weight of certain machinery received by steamer "Niagara" for the "Soledad" plantation, was referred to the custom house of Cienfuegos, and the same is repeated to-day, urgently recommending not only the said custom house but also the Assistant Treasury of the province of Santa Clara to comply immediately with the terms of the Royal order.

God guard you many years.

(Signed) Emilio Fagoaga.

Enclosure No. 1.

With Despatch No. 3000

H A B A N A, May 25, 1896.

COPY.

Intendencia General de Hacienda de la Isla de Cuba.

Tengo el honor de contestar a su carta oficial, que en 25 de Abril ultimo se traslado a la aduana de Cienfuegos la Real orden del Ministerio de Ultramar que dejaba sin efecto la multa impuesta a los Sres. Cacicedo y Compañia en su caracter de agentes de Mr. Atkins, por error sufrido en el manifiesto del vapor "Niagara" al consignarse el peso de mercancias para el ingenio "Soledad", cuyo traslado reproduzco hoy, encareciendo, tanto a dicha Aduana como a la Admon. de Hacienda de Santa Clara, procedan, con la mayor urgencia, a dar debido cumplimiento a lo que en dicha Soberana disposicion se ordena.

Lo que me complazco en poner en su conocimiento.

Dios guarde a V.S. muchos años.

Habana, 22 de Mayo de 1896.

(Signed) Emilio Fagoaga.

Sr. Consul General de los Estados Unidos.

E.

JUN 2 1896
DEPARTMENT OF STATE.

No: 3001. 26

U. S. Consulate General.
Habana, May 26 1896.

INDEX BUREAU
RECD.
JUN 1 1896
DEPT. OF STATE

Mr. Williams

to the

Department of State.

In answer to Instruction no. 1364, respecting scow barges brought to Cuba, and sold to foreigners, no longer to be considered american vessels.

Con Gen
T Williams

No: 3001.

U.S. Consulate General.
Habana, May 26 1896.

Hon: William W. Rockhill.
Assistant Secretary of State.
Washington.
D.C.

Sir:

With reference to the Department's instruction number 1364, of the 11th instant, and enclosures, relative to the scow-barge "Maria", and others brought to this port during the years 1892 and 1893, and one, the "Diana", in 1894, which are stated to have been sold to persons in Cuba, I have the honor to inform the Department that only one of said vessels has been reported at this office, the "Diana", which was towed into this port from.

Pensacola, by the S.S. "Teutonia" on March 3 1894, her register and papers deposited, and no further service since been asked of this office on her account.

From such information as I can obtain, I learn that all of the barges mentioned in the enclosure to your instruction were sold to Spanish subjects and are no longer considered as vessels of the United States. I have recovered the registers of two, the "Amity", and "Berne", towed into this port from Pensacola in Febry 1893, and am informed that possibly the documents of several of the others named may be found at the office of Messrs Sobrinos de Herrera, of Caibarien, where the barges have been in use.

I herewith transmit

3/

the documents of the
"Annity", "Berne" and
"Vraud".

I am. Sir.

Very respectfully
Your obedient servant,

Ramm O. Williams,
Consul General

3 enclosures.

DIPLOMATIC BUREAU
JUN 1 1896

Confidential
No. 3002.

U.S. Consulate General
Habana, May 26, 1896.

INDEX BUREAU
REC'D.
JUN 6 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

Enclos. 1 & 5 Recvy with original Ltr. Mail 4!

Spanish squadron: supply of coal for same.

2 Enclosures.

Confidential.
No. 3002.

U.S. Consulate General.
Habana, May 26, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

As supplementary to my report made by instruction of the Department for the office of Naval Intelligence, and forwarded under my number 953 about the 31st of March, 1896, I now have the honor to enclose two copies of my translation of an article reproduced by La Discusion of yesterday from El Diario del Ejército of this city, and to ask the Department to please send one of these copies to the same

1/

same office of Naval Intelligence, with another of this despatch, unless in its judgement it should deem otherwise.

It will be observed that El Diario del Ejército (Army Journal) coincides entirely with one of the divisions of my aforesaid report, namely: that modern naval warfare cannot be carried on without coal, and that Spain not having any domestic supplies in America, and the United States having them in abundance all the way from the rivers Rio Grande to the St Croix, on the Atlantic, that she would not be able to cope under equal conditions in

any

any war she might provoke or declare against the United States in alleged defense of the islands of Cuba and Porto Rico; a relative advantage also attending the United States, in the matter of coal supply, called by El Diario del Ejército the soul of modern naval warfare, against the Philippines from the States of California, Oregon and Washington on the Pacific side of the Union.

But, behind all this, as indicated in my report, there is another force operating against Spain - stronger and surer and none the less catastrophic, but of which Spanish Army and Naval officers seem to take no heed: the constant and progressive assimilation of

of Cuba to the commercial System of the United States while being held by military force to the political system of Spain.

I am, Sir,

Very respectfully,

Your obedient servant,

Lamont C. Gilliland,

Consul General.

2 Enclosures:

2 Copies referred to.

Confidential.

Enclosure No. 1.

With despatch No. 3002.

Havana, May 26,1896.

Translation of an article reproduced by "La Discusion" from "El Diario del Ejercito."

COAL FOR THE SQUADRON.

"El Diario del Ejercito", says:

We now have the largest army ever seen in Spanish America, we have fatigue-bearing and invincible soldiers; we have gathered an amount of war material that is surprising, and every soldier is ready to avenge the insults daily heaped upon us.

But, if we have a larger army than is required to meet the yanjees, are largest fighting vessels are away in Europe.

In case of the breaking out of hostilities they have to navigate three thousand miles and as they must come speedily, they will necessarily consume the greater part of their coal on the way, and they will have to enter at once into action, and the abundance of fuel being the soul of modern naval warfare, it becomes, therefore, urgently necessary for us to have, in the shortest time and at any cost, not only sufficient supplies of coal, but vessels already loaded with it,

and specially fitted for its transportation, and situated at convenient places and ready to start on the first call of the service. These vessels must be lightly manned and commanded by naval officers, for only in this way could they be efficient in seconding the movements of the squadron.

In case of war our vessels would have to cruise over a long stretch of the Atlantic coast, and must have their coal-bunkers well supplied, not only for the use of their machinery but for the defense of their water lines, and in that event instead of coming into port to take in coal they should be met and furnished by the supply ships.

Confidential.

Enclosure No 2.

With Despatch No. 3002

H A V A N A , May 26, 1896.

Translation of an article reproduced by "LA DISCUSION" from "EL DIARIO del EJERCITO".--

-----o-----

C O A L f o r t h e S Q U A D R O N.

"El Diario del Ejercito", says:

We now have the largest army ever seen in Spanish America, we have fatigue-bearing and invincible soldiers; we have gathered an amount of war material that is surprising, and every soldier is ready to avenge the insults daily heaped upon us.

But, if we have a larger army than is required to meet the yankees, our largest fighting vessels are away in Europe.

In case of the breaking out of hostilities they have to navigate three thousand miles and as they must come speedily, they will necessarily consume the greater part of their coal on the way, and as they will have to enter at once into action, and the abundance of fuel being the soul of modern naval warfare, it becomes, therefore, urgently necessary for us to have, in the shortest time and at any cost, not only sufficient supplies of coal, but vessels already loaded with it, and specially fitted for its transportation, and situated

at convenient places and ready to start on the first call of the service. These vessels must be lightly manned and commanded by naval officers, for only in this way could they be efficient in seconding the movements of the squadron.

In case of war our vessels would have to cruise over a long stretch of the Atlantic coast, and must have their coal-bunkers well supplied, not only for the use of their machinery but for the defense of their water lines, and in that event instead of coming into port to take in coal they should be met and furnished by the supply ships.

-----o-----

Enclosure No. 2.
Mail Despatch No. 3002.
Habana, May 26, 1896.

La Discusion

s 25 de Mayo de 1896

Carbón para la escuadra

Dice el *Diario del Ejército:*

"Tenemos el mayor ejército que se ha visto en toda la América española, tenemos soldados invencibles y sufridos; hemos acarreado un material de guerra que asombra, y en cada soldado pesan como loza de plomo los agravios que á diario recibimos.

Pero si tenemos aquí ejército de sobra para habérnosla con los yankees, los grandes buques de combate los tenemos ahora en Europa.

En caso de rompimiento de hostilidades han de navegar tres mil millas y como habrán de venir á gran velocidad, necesariamente tendrán que gastar la mayor parte del carbón que trageran consigo, y como inmediatamente habían de entrar en acción y la abundancia de combustible es hoy el alma de la guerra naval; urge que á la mayor brevedad posible y á toda costa tengamos, no sólo depósitos de carbón suficientes, sino barcos de carga especiales abarrotados de ese combustible y dispuestos en lugares convenientes para partir á la primera señal donde las necesidades del servicio lo exijan. Estos barcos se han de hallar armados á la ligera y mandados por oficiales de la armada, porque sólo así son eficientes los movimientos de una escuadra.

En caso de guerra nuestros barcos han de recorrer en una gran extensión las costas del Atlántico, y han de tener siempre llenas las carboneras no sólo para las máquinas sino para que tenga la protección necesaria la línea de flotación, y para ese evento en lugar de venir á cargar á los depósitos, éstos deben ir á buscar á los buques de la escuadra."

Settlement of Lease Otis — Sapphire Thorn Dept. file

R.O

Habana.

INDEX BUREAU
REC'D.
MAY 28 1896
DEPT OF STATE

CONSULAR BUREAU
NOTED.

Lynchburg, Va., May 27, 1896.

Mr.W.W.Rockhill,

First Asst.Sec.State,

State Department,

Washington, D.C.

My dear Mr.Rockhill:-

The President having indicated the last of this month as the period of my departure for Cuba, I have the honor to report that I will leave on Sunday the 1st of June, sailing from Tampa, Fla., on the evening of the 2nd, and reaching Habana on the morning of the 3rd of June. If there is any mail at the Department please have it sent to Habana. I find memorandum in your hand writing concerning allowances; Clerks $2,000.; under head of Messengers, $1200. 173 / one limited

Very truly yours,

Fitzhugh Lee

INDEX BUREAU
REC'D.
MAY 28 1896
DEPT. OF STATE

Lynchburg, Va., May 27, 1896.

Hon.Richard Olney,

Secretary of State,

Washington, D.C.

My dear Sir:-

The President having indicated the last of this month as the period of my departure for Cuba, I have the honor to report that I will leave on Sunday the 1st of June, sailing from Tampa, Fla., on the evening of the 2nd, and reaching Habana on the morning of the 3rd of June.

I have the honor to be,

Very respectfully, your obedient servant,

Fitzhugh Lee

ASSISTANT SECRETARY
JUN 2 1896
DEPARTMENT OF STATE.

No. 3003.

INDEX BUREAU
REC'D.
JUN 1 1896
DEPT. OF STATE

U. S. Consulate General
Habana, 27 May, 1896.

Mr. Williams
to the
Department of State.

Ans. June 4.

Transmitting despatch
No. 112 of Mr Barker, our
Commercial agent at Sagua.

Com. Bd'

Ask copies of
instructions Barker
acted on
& state his
action in accordance
with the instructions
of the Department

No. 3003.

U.S. Consulate General.
Habana, May 27th, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

By the pouch going forward to-day to the Department I transmit the despatch no. 112 of our commercial agent at Sagua la Grande, Mr. Barker, in which he enclosed three letters for the Department to mail to Mr. J. Estrada Palma, who he describes in the jacket of the despatch as the head of the Cubans in the United States.

Considering this act of Mr.

Mr. Barker to be contrary to that part of paragraph 49 of the Consular Regulations saying: Consuls are regarded as the officers both of the State which appoints and the State which receives them; and that the extent of their authority is derived from their commission and their exequatur; I have in consequence returned to him to-day under registered letter the three letters referred in his said despatch No. 112 of the 20th instant, calling his attention at the same time to the said paragraph 49 of the Consular Regulations and 119 of Wharton's International Law Digest.

I am, Sir, very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

yr.

File

ASSISTANT SECRETARY
JUN 2 1896
DEPARTMENT OF STATE.

No. 3004.

INDEX BUREAU
REC'D.
JUN 1 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, 27 May, 1896.

Mr. Williams

File

to the

Department of State.

Acknowledging receipt
of a telegram from the
Department relating to the
order prohibiting the ex-
portation of Cuban leaf tobacco.

No. 3004.

U.S. Consulate General.
Havana, 27 May, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of the Department's telegram of yesterday reading:

"Secretary of State has
"been officially informed:
"that all contracts for Cuban
"leaf tobacco entered into
"before publication of the
"order, prohibiting its ex-
"portation, will be respected,
"and that citizens of the United
"States proving themselves
"to be bona fide owners of
"such tobacco prior to the
"promulgation of the order
will

"will be permitted to
" export the same as
" heretofore."

"Rockhill"

I am, Sir,
Very respectfully,
Your obedient servant,
James D. Richardson
Consul General.

Cons. Bur.
Capt. Ward

ASSISTANT SECRETARY
JUN 2 1896
DEPARTMENT OF STATE.

No. 3005.

U. S. Consulate General.
Havana, 27 May, 1896.

INDEX BUREAU
REC'D.
JUN 2 1896
DEPT. OF STATE

To S. C. Beale.
June 4.

Mr. Williams
to the
Department of State.

Relative to the suspension of proceedings for the Collection of fines imposed on the steamers of the "Ward" Line for the use of vague words in their manifests.

One enclosure.

No. 3005

U. S. Consulate General.
Habana, May 27, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to enclose for the information of the Department a copy, with translation, of a communication from the Intendant General dated the 25th instant, in answer to mine of the 16th of March last asking for the suspension of the proceedings for the collection of the fines imposed at the custom houses of Santiago de Cuba, Cienfuegos and Guantanamo on the Steamers of the "Ward" Line for the use of

of vague words in their manifests, informing this office that the proper orders are given to the said custom houses to suspend the proceedings commenced for the collection of the said fines and that the corresponding antecedents are requested for their submission to the Colonial Minister at Madrid for his consideration.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

One Enclosure:
Copy referred to.

Enclosure 1
With despatch 3005, May 27, 1896

TRANSLATION.

General Government of the Island of Cuba.

Office of the Secretary.

HABANA, 25 May, 1896.

To the consul general of the United States.

Sir:

Hi s Excellency the Intendant general of Finance to whom your communication of the 16th of March last was referred, reports to His Excellency the Governor General as follows:

"Excellency.: This Intendancy general in re-
"ply to the attentive communication of Y.E. of the
"18th of March last referring that of the consul
"general of the United States of the 16th of the
"same month, asking for the suspension of the pro-
"ceedings for the collection of the fines imposed
"at the custom houses of Cienfuegos, Santiago de
"Cuba and Guantanamo on the steamers of the "New
"York and Cuban Mail Steamship Line for the use
"of vague words in their manifests, has now the
"honor to inform Y.E. that the proper orders are
"given to-day to the said custom houses to suspend
"the proceedings commenced for the collection of
"the said fines and that the corresponding antece-
"dents are requsted for transmission to the Colonial

"Ministry for its consideration".

The above is communicated to you by order of His Excellency the Governor General for your knowledge in reply to your said communication of the 16th of March last.

I am etc.

(Signed) El Marques de Palmerola.

Enclosure 1
with despatch no. 3005, May 29, 96.

COPIA.

Gobierno General de la Isla de Cuba.

Secretaria General.

El Excmo.Sr.Intendente General de Hacienda a quien se comunico el escrito de V.S.de 16 de Marzo ultimo,dice al Excmo.Sr.Gobernador General lo siguiente:

"Excmo.Sr.: Esta Intendencia general en con-
"testacion a la atenta comon.de V.E.de 18 de Marzo
"ultimo trasladando la del Sr.Consul general de
"los Estados Unidos de 16 del mismo mes,pidiendo
"la suspension de las gestiones que para el cobro
"de multas por vaguedad en los manifiestos se hace
"por las aduanas de Cienfuegos,Santiago de Cuba y
"Guantanamo a los vapores de la "New York and Cuba
"Mail Steamship Line",tiene el honor de manifestarle
"que con esta fecha se dan las ordenes oportunas a
"las referidas aduanas a fin de que suspendan los
"procedimientos que se siguen para el cobro de las
"expresadas multas,y se piden los antecedentes para
"enviarlos al Ministerio a sus efectos".

Lo que,de orden de S.E.tengo el honor de trasladar a V S.para su conocimiento y en contestacion a su referido escrito de 16 de Marzo.

Dios guarde a V.S.muchos anos.

HABANA,25 de Mayo de 1896.

El MARQUES de PALMEROLA.

Copy.

ASSISTANT SECRETARY
JUN 5 1896
DEPARTMENT OF STATE.

No. 3006.

U.S. Consulate General.
Habana, May 30, 1896.

INDEX BUREAU
REC'D.
JUN 4 1896
DEPT. OF STATE

Mr Williams
to the
Department of State.

Rec'd June 6.

Enclosing a letter from Mr Andres Fernandez, an American citizen, protesting against the proclamation relative to the suspension of the action of the courts of justice in all suits for the collection of mortgages and other specified credits till the 30 April, 1897.

One enclosure.

Mr Rockhill.

Mr Fannon says the Secretary has the previous correspondence in this matter.

E. H. W.

Mr Whitehouse,

Ask and direct him to file the protest with the Gov. Gen'l of Cuba calling attention to treaty provision (Art XX. treaty 1795)

W.R

No. 3006.

U.S. Consulate General.
Habana, May 30, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

With reference to my despatch No. 2983 of the 20th instant relative to the proclamation enclosed therein suspending the action of the courts of justice in all suits for the collection of mortgages and other specified credits till the 30th of April, 1897, I now beg to enclose a copy of a letter received from Mr. Andrew Fernandez, a citizen of the United States, executor under the will of Robert Fernandez, also an

an American citizen, deceased stating that he was claiming payment of a mortgage for $108.600 on the Sugar Estate "Unión", formerly the property of Pedro L. Fernandez, and to-day belonging to D. José Lezama of this City, when the judicial proceedings in connection therewith were suddenly stopped by the recent proclamation referred to suspending for one year all judicial proceedings for recovery of money lent on mortgages; against all of which he protests.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

One enclosure.
No. 1 - Copy referred to.

Copy.

Enclosure No. 1
With Despatch 3006.
Habana, May 30, 1896

Havana, May 28th. 1896.

Ramon O. Williams,

United States Consul General of Havana.

Sir:-

The undersigned Andrew Fernandez, a citizen of the U.S., executor under the will of Robert Fernandez, also an American citizen, deceased, is claiming payment of a mortgage for $108,600. currency of the U.S. on the sugar estate "yngenio Union" formerly the property of Pedro L. Fernandez, and today belonging to Dn. Jose Lezama of this city.

The will of Robert Fernandez was made and duly proved in New York, and the origin of the mortgage on the "Yngenio Union" is a debt for the above mentioned amount contracted by the former owner Pedro L. Fernandez with the house of Fernandez & Calvo of 120 Front St., New York. Not being able to repay the amount Pedro L. Fernandez gave the mortgage on his property to the American house, which mortgage is duly recorded in the Cuban registers. Subsequently the New York house transferred its rights to the heirs of Robert Fernandez, also American citizens.

Claim for payment was being urged in the tribunal of the island when the judicial proceedings have been suddenly stopped by the recent decree of Captain General Weyler, suspending for one year all judicial proceedings for recovery of money lent on mortgages (See Bando of May 15th.)

Against the evident injustice of such a

measure, the undersigned protests and prays that you will so direct his protest as to obtain prompt redress of the injury done to the interest of the heirs of Robert Fernandez by General Weyler's prohibition, and remains,

Yours truly,

(sgd. A.Fernandez)

Mr Fairchild

ASSISTANT SECRETARY
JUN 8 1896
DEPARTMENT OF STATE.

No. 3007.

INDEX BUREAU
REC'D.
JUN 6 1896
DEPT. OF STATE

U.S. Consulate General.
Havana June 1st 1896.

Mr. Williams
to the
Department of State.

Recd. June 11.

Submitting copies of correspondence sent me by Mr. Barker, our commercial agent at Sagua, relating to the refusal of Mr. Pedro Mora y Ledon to deliver the plantation property of the "Victoria" Company of Philadelphia, Pa., to its agent appointed on the resignation of Mr Mora.

7 Enclosures.

No. 3007.

U.S. Consulate General.
Habana, June 1st 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to submit copies of correspondence sent me by Mr. Barker, our Commercial agent at Sagua, with copy of my letter to him of this date, relating to the refusal of Mr. Pedro Mora y Ledon to deliver the plantation property of the "Victoria" Company of Philadelphia, Pa., to its agent appointed on the resignation of Mr. Mora. You will please notice from my letter to

Mr.

7/

Mr. Barker that the question, in my opinion, is one for the cognizance of the courts and not for consular intervention — at least any further than the good offices of his Consulate ——— can be made available in favor of the American owners.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamm S. Williams,
Consul General

7 Enclosures:

No. 1 - Mr. Barker to Mr Williams, May 28
" 2. " " " " "
" 3. Mr. Mora to Mr Barker " 27
" 4. " " (translation), "
" 5. Mr Barker to Mr Mora " "
" 6. Mr McCulloch's statement " 28
" 7. Mr Williams to Mr Barker June 1

Enclosure No. 1

With Despatch No. 3002

H A B N A , June 1 1896.

Copy.

Sagua la Grande, Cuba, 28th. of May, 1896.

Hon. Ramon O. Williams,

U.S. Consul General,

Habana.

Sir:-

I have the honor to submit the following:- The Central Victoria, situated near here, is, as papers on file in your Consulate General show, owned by citizens of the United States, none of whom reside in Cuba.

Recently, the administrator, Mr. Pedro Mora y Ledon, who has had sole charge of the property, tendered his resignation, which was accepted, and his successor appointed, Mr. John McCulloch, one of the proprietors of the Central "Unidad", an adjoining estate. Of this Mr. Mora was duly apprised.

On the 25th. inst. Mr. McCulloch presented Mr. Mora his authority of appointment, and order for the books and all other property of the "Victoria Co." This Mr. Mora refused, on the indefensible ground that of an alleged claim due him by the Company.

This Consulate then addressed a note to Mr. Mora, stating that I had been informed, by letters from the President of the Victoria Co. that he had resigned, and Mr. John McCulloch appointed administrator, that if the

said Company owed him, they had ample property here to satisfy any just claim, and that in holding possession of this property he was proceeding without due process of law. I then protested against his illegal seizure of American property, stating that the estate had no one on it who was or could be held responsible for its proper care, that the now self appointed person, who claimed possession and control, did not reside on nor does he visit the property, that the principal employees on the property were engaged and are under the influence of Mr. Mora, who, by open threat that, he would institute a "suit against the estate, which if he gained nothing more, would make it cost the Company one hundred thousand dollars", declares himself willing to inflict injury rather than uphold the interests of the estate.

In addition, I made the charge before this civil court, that Mr. Mora, had taken charge of the property without authority, and in declining to surrender it, gave as a sole reason, that the estate owed him which claim he not even proposed to have substantiated?

The Judge to whom I applied, while very courteous, expressed it as his opinion that he could not consider my protest, and suggested that I appeal to the higher authorities at Havana.

I write to ask your good offices in this matter. (1) Because the courts here will take no action, but refer me to Havana, and (2) I know of, my own knowledge that this valuable property as it now is forcibly held by an avowed enemy, with his plant tools employees thereon, is in great jeopardy of material injury, if not total destruction.

[illegible] Mr Mora im-

If the authorities will not dispossess Mr.Mora immediately or cause him to show a valid reason for seizing and holding the property of American citizens, I would suggest, as the property is really liable to destruction, if he controls it, that you serve notice on the Spanish authorities, that our Government will hold Spain liable for all damages to this property.

I am, Sir, ob't. s'v't.,

(Signed) Walter B.Barker.

Enclosures:-

Mr.Mora to Mr.Barker.
Mr.Barker to Mr.Mora.
Mr.McCulloch's affidavit.

Enclosure No. 2

With Despatch No. 3007

H A B A N A , June 1896.

Copy.

Sagua la Grande, Cuba 28th. of May, 1896.

Ramon O Williams, Esq.,

Consul General,

Habana.

Sir:-

I beg to add to my letter of this date, that the "Victoria Co." having accepted the resignation of Pedro Mora y Ledon, and taken from him the authority to draw for and pay out money, leaves the estate so long as Mr. Mora refuses to relinquish possession, in a critical condition, in as much as the company have not only regular employees to pay, but are paying a portion of the wages of the troops doing garrison duty to the estate, which, under the order of Gen'l. Weyler, can be withdrawn whenever this pay is refused them.

I am, Sir,

Y'r. ob't. s'v't.,

(Signed) Walter B. Barker.

Com'l. Agent.

Enclosure No. 3

With Despatch No. 3007

H A B A N A , June 1 1896.

Copy.

Sagua la Grande,27 Mayo,1896.

Sr.Walterio B.Barker,

Presente,

Muy Sr.mio:

Habiendo estado enfermo, no he podido contestar,hasta ahora,sus dos cartas refere entes a Don JuanMcCullock.

Como quiera que el Central Victoria radica en territorio espanol,las reclamaciones que tenga que hacer aquel Sr.deben dirijirse por conducto de los tribunales de este pais.

Lo que tengo el honor de poner en su conocimento para lo que le convenga.

Soy de vd.atto y S.S.

Q.B.S.M.

(Signed) Pedro Mora Ledon.

Enclosure No. 4

With Despatch No. 4004

H A B N A , June 1 1896.

Translation.

Sagua la Grande,27 May,1896.

Mr.Walter B.Barker,

Present.

My Dear Sir:-

Having been ill,I have not been able to answer until now,your two letters relating to Mr.John McCulloch.

As the "Central Victoria"is situated in Spanish territory,the claims which that gentleman may have occssion to make should be addressed through the Courts of this country.

I have the honor to inform you the above for your guidance.

I am,Sir,

Respectfully yours,

(Signed) Pedro Mora Ledon.

Enclosure No. 5

With Despatch No. 3007

H A B A N A , June 1896.

Copy.

United States Consulate,

Sagua la Grande, Cuba, May 27. th. 1896.

Pedro Mora y Ledon, Esq.,

Sagua la Grande,

My dear Sir:-

I beg to acknowledge your communication of this date. A careful reading of my letter to you of the 25th inst, will show that you are in error in connecting the na name of Mr. McCulloch as the subject matter thereof.

The Victoria Estate being the property of Citizens of the United States, none of whom reside in this island, is virtually without any head or any one who can be held responsible for the property; you having resigned and your resignation duly accepted, and, while you still claim to hold possession you do not reside on the property, but make your home in Sagua.

It is under these conditions that, I, as the representative of the United States, have insisted that you deliver to the person, appointed as your successor, which you decline, as I am credibly informed, solely on an alleged claim against the company, to obtain which you well know you must proceed "through the tribunals this country", and not by <u>first</u> taking <u>possession</u> of the property.

I would now say to you, that as Consul of the United States, I shall proceed against you, through the Honorable Consul General of the United States with the authorities

of Havana, and to express to you sincere regret that you have seen proper to compel this course.

Believe me,

Yours very truly,

(Signed(Walter B.Barker.

U.S.Consul.

Enclosure No. 6

With Despatch No. 3099

H A B A N A , June 4, 1896.

Copy.

Consulate of the United States,

Sagua la Grande, Cuba.

On this, the 28th. of May 1896, before me, the undersigned, Commercial Agent of the United States, at Sagua la Grande, personally came, John McCulloch, who being sworn, deposes as follows:-

That he resides on the sugar Estate Central Unidad, of which estate he is part owner, that he is possession of a document executed in Philadelphia United States of America, and dated May 14th. 1896, and signed by Edward L. Welsh, as President of the "Victoria Co." the proprietor of the Central Victoria, situated in the district of Calabagar, Santa Clara province, appointing him administrator of said Estate Victoria, that in forwarding notice of his appointment, the said Welsh enclosed him which purports to be copy of a letter signed by said Welsh as President to Mr. Pedro Mora y Ledon which states in substance, that the Board of Directors had received his letter, tendering his resignation which he was instructed by the Board to inform him that his resignation was accepted with regret, requesting him to deliver everything to John McCulloch who had been appointed administrator and who will make all future payments, that, on the 25th. inst. he applied to Mr. Mora for a compliance with the action of the president and to deliver to him

the books and all property belonging to said Victoria Co., that Mr.Mr.Mora did not questionthe authority of his appointment, but declined to deliver said property, assignig ing as his sole reason the said company were indebted to him and showing me copy of a letter which he had mailed Mr.Welsh, the president, verifying the reason given me, that he has made repeated requests to Mr.Mora, at one time showing him a cablegram from Mr.Welsh, the president authorizing me upon delivery of the property to pay Mr. Mora the sum of $3985. Spanish gold, that, he exhibited this message to Mr.Mora, who replied that he would not deliver the property, but would accept the money as a partial payment due his firm, that he had instituted suit against the Victoria Co.for over one hundred thousand dollars, that he declined to surrender possession of said property until he was paid or was forced to do so through the courts, that Mr.Mora does not reside on said estate but makes his home in Sagua district about four leagues from the Central Victoria.

(Signed)John McCulloch.

Subscribed and sworn to before me, this 28th.May 1896.

(Signed)Walter B.Barker.

Com'l.Agt.

Enclosure No. 1

With Despatch No. 3007

Habana, June 4 1896.

Copy.

Consulate General of the United States,

Habana, June 1st. 1896.

Walter B. Barker, Esq.,

U.S. Commercial Agent,

Sagua la Grande.

Sir:-

I have to say after reading your letter of the 28th. ultimo respecting the surprising conduct of Mr. Pedro Mora y Ledon in refusing to deliver the "Victoria" plantation to the successor appointed on his resignation, that the case appears to become one for the exercise of legal process through the courts of this country against Mr. Mora y Ledon and not for consular intervention, and that it is fully and clearly provided for under articles 20 and 7 of the Treaty of 1795 between the United States and Spain. Accordingly you will observe that under article 20 of the said Treaty the inhabitants of the territories of each party shall respectively have free access to the courts of the other, and they shall be permitted to prosecute suits for the recovery of their property. (1) Therefore, as you will observe, the "victoria" company has its remedy before the courts of the country for the recovery of its property from Mr. Mora; and (2) for obtaining satisfaction for any damage that it

may have sustained by his refusal to deliver the property to its regularly appointed agent; and (3) to which end it is agreed under article 7 of the same Treaty that: the citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents and factors as they may judge proper in alltheir affairs, and in all their trials at law, in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examinations and evidence which may be exhibited in the said trials; and (4) finally that both Governments will see that the Treaty is executed in fairness and justice by their respective courts.

By first steamer I will submit the case to the Department with copies of your correspondence and, meantime I will recommend you to ask for instructions.

I am, Sir,

Your ob't. servant,

(Signed) Ramon O. Williams.

Consul General.

ASSISTANT SECRETARY
JUN 8 1896
DEPARTMENT OF STATE.

No. 3008

INDEX BUREAU
REC'D.
JUN 6 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, 3 June, 1896.

Mr. Williams
to the
Department of State.

Case of Mr. Francis J. Larrien, an American citizen under arrest at Cárdenas.

1 Enclosure

No. 3008.

U.S. Consulate General.
Havana, June 3, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to submit to the Department a copy, with translation, of a communication from the Captain General, dated the 30th ultimo, informing me that on the 28th of same the proceedings in the case against the American citizen Mr Francis J. Larrieu, arrested in Cárdenas, and for whom I had asked the guarantees of the Treaty of 1795 and Protocol of 1877, were asked for by telegraph, to decide in

in accordance therewith if the case should be transferred to the ordinary or continue under the military jurisdiction.

I am, Sir,
Very respectfully,
Your obedient servant,
Ramm O. Williams
Consul General.

One enclosure:
No. 1 - Copy referred to.

Enclosure No. 1

With Despatch No. 3008

H A B A N A , June 3 1896.

Translation.

Army of the Island of Cuba.

Captaincy General.- General Staff. Section 5th.

HABANA, May 30th,1896.

To the consul general of the United States.

Sir:

In reply to your attentive communication of the 22nd instant,I have the honor to inform you that on the 28th of this same month the proceedings in the case against the american citizen Mr.Francis J.Larrieu,were asked for by telegraph,to decide in accordance therewith if the case should be transferred to the ordinary or continued under the military jurisdiction.

God guard you many years.

(Signed) VALERIANO WEYLER.

Enclosure No.1.

With Despatch No. 3008

H A B A N A , June 3, 1896.

Copy.

Ejercito de la Ysla de Cuba.

Capitania General.-- -Estado Mayor. -Seccion 5a.

En contestacion de su atento escrito de 22 del actual, tengo el honor de manifestar á V.S. que el dia 28 del corriente se pidió por telégrafo á Cardenas la causa que se instruye contra el ciudadano de los Estados Unidos Mr. FRANCIS J. LARRIEU, para, en vista de las actuaciones, resolver si procede enviarlas á la jurisdiccion ordinaria y continuarlas por la de Guerra.

Dios guarde á V.S. muchos años.

Habana, 30 de Mayo de 1896.

(Signed) VALERIANO WEYLER.

Sr. Cónsul General de los Estados Unidos de América en esta Capital.

ASSISTANT SECRETARY
JUN 10 1896
DEPARTMENT OF STATE.

No. 3009.

U. S. Consulate General,
Havana, June 3, 1896.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

Mr. Williams
to the
Department of State.

Con. Rpts.
To Treasury
with original
June 13.

Relating to the use of a
napththa launch by the
Sanitary inspector attached
to this office.

One enclosure.

No. 3009.

U.S. Consulate General.
Havana, June 3d 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no. 2964 of the 9th ultimo relative to a naphtha launch for the use of the sanitary inspector attached to this office, I now beg to enclose a copy-translation of a communication dated the 26th ultimo from the Secretary General informing me that my communication of the 28th April last, copy and translation of which I had the honor to submit to the Department with my despatch

No.

No. 2929 of the 29th of same, having been referred to the Commandancy General of this Naval Station, that authority reports that the Sanitary inspector may perform his services employing for such purpose a napeltha launch, as he has done heretofore with a boat, provided said launch complies with the regulations therein referred to regarding registration under the Spanish flag.

I am, Sir,
Very respectfully.
Your obedient servant,
Ramon O. Williams,
Consul General.

One enclosure:
No. 1 - Communication referred to.

ASSISTANT SECRETARY
JUN 10 1896
DEPARTMENT OF STATE.

No. 3010.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, June 3, 1896.

Com. Bond
To Sec. Mr. C. S. Thurston
Y. Dep. Attache Legal
Secretary's Division
June 13.

Mr. Williams
to the
Department of State.

Answering Department's instruction no. 1371 of the 28th ultimo relating to William Leavitt, belonging to the crew of the "Competitor."

No. 3010.

U.S. Consulate General.
Habana, June 3, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 1371 of the 25th ultimo enclosing a copy of a letter from Mr. F.H. Burgesson, Secretary of the Atlantic Coast Seamen's Union, making certain inquiries in regard to William Leavitt, who was arrested on land as belonging to the crew of the "Competitor"; and in answer I beg to inform the Department that while at the "Cabaña" fortress of this

this city, as reported in my despatch No. 2996 of the 28th ultimo, Leavitt was taken ill with the measles and transfered to the Military hospital of this port, where he is now out of danger, according to information furnished me by Dr. Burgess, the Sanitary inspector attached to this office, who has visited him twice. As soon as Mr. Leavitt recovers he will doubtlessly be taken back to the said fortress; - any letter will reach him if addressed in care of this Consulate General.

I am, Sir,
Very respectfully,
Your obedient Servant,
Consul General.

File

Solicitor

ASSISTANT SECRETARY
JUN 10 1896
DEPARTMENT OF STATE

No. 3011.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, 3 June, 1896.

Mr. Williams

to the

Department of State.

Of transition case of Juan Urrialde Martin.

One enclosure.

No. 3011.

U.S. Consulate General.
Havana, 3 June, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to previous correspondence in regard to the extradition case of Juan Urrialde Martin alias Manuel Gonzalez Mendoza, I beg to submit a copy-translation of my communication, 1/ dated yesterday, addressed to the Governor General accompanying a translation of the evidence of Urrialde's Criminality, which I delivered in person to-day to His Excellency.

I am,
Sir,

Sir,
Very respectfully,
Your obedient servant,
Lamm V. Williams,
Consul General.

One enclosure,
No. 1 - Copy referred to.

Enclosure No.1

With Despatch No 3011.

H A B A N A, June 3, 1896.

Copy. United Consulate General,

Habana, June 2.1896.

To His Excellency,

The Governor General of the Island of Cuba.

&c. &c.

Excellency:-

With reference to the communications which I had the honor to address Y.E. under dates of the 30th. April and 11th. May of the present year, in compliance with an instruction received from the Honorable Secretary of State of the United States, soliciting the provisional detention in conformity with the Treaty of Extradition with Spain of the 5th. January, 1877, until the arrival of the proper official documents, of D. Juan Urrialde Martin, otherwise known as Manuel Gonzalez Mendoza, who is under arrest in this city, charged with forgery committed against Messrs. August Belmont & Company, bankers of New York; I have now to inform Y.E. of the arrival of the 26th. ultimo from the latter city of Mr. Robert M. McNaught, commissioned by H.E. the President of the United States to receive the said Juan Urrialde Martin and conduct him to New York to be tried there on the charge of forgery. Mr. McNaught brings with him the official documents in connection therewith which are at the disposal of Y.E. in this office, and of which I have

now

now the honor to accompany herewith, a legalized translation.

Therefore, in compliance with instructions received from the Honorable Secretary of State of the United States, I beg Y.E to please order the delivery of the said Juan Urrialde Martin, aliasManuel Gonzalez Mendoza, in order that he may be conducted to New York for trial.

I am, &c.

(Signed) Ramon O. Williams.

Consul General.

ASSISTANT SECRETARY
JUN 10 1896
DEPARTMENT OF STATE.

No. 3012.

U.S. Consulate General
Havana, 3 June, 1896.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

Con Rpt
to interview Gestion — US
To Mr. Rendon
June 13.

Mr Williams
to the
Department of State.

Relative to Mr. José Gonzalez Curbelo, an American citizen, subject of correspondence with the Department.

No. 3012.

U.S. Consulate General,
Havana, 3 June, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State
Washington,
D.C.

Sir:

With reference to my despatch no. 2993 of the 22d ultimo relative to Mr. José Gonzalez Curbelo, a citizen of the United States, and regarding whom I addressed a note to the Director of the Insane Asylum, as I had the honor to state to the Department in my above mentioned despatch, I now beg to say that I have received an answer from the Director of that Institution to the effect that after a careful

examination

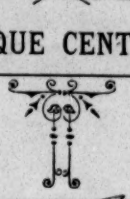
examination of the registers of same the name of José Gonzalez Curbelo does not appear as an inmate of the Asylum.

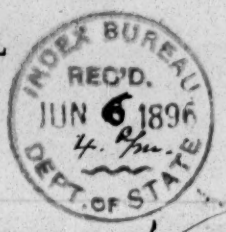
I am, Sir,
Very respectfully,
Your obedient Servant,
Lamm S. Williams.
Consul General.

APARTADO 725 ◇ CABLE "INGLATERRA" ◇ TELEFONO 1265

GRAN * HOTEL * INGLATERRA

PARQUE CENTRAL





Habana, Cuba June 3rd de 1896

Hon Richard Olney
Sec of State -
Sir -

Yours

I have the honor to report that I have arrived in this City

and am very respec:

Yr Obt Servant

Fitzhugh Lee

Desp. No.

No. 3013.

U. S. Consulate General
Habana, June 4, 1896.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

Mr. Williams

Rec'd

to the

Department of State.

Acknowledging receipt of the Department's instructions numbered from 1364 to 1372, inclusive.

No. 3013.

U. S. Consulate General.
Habana, June 4th 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions numbered from 1364 to 1372, inclusive.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamar B. Williams.
Consul General.

Desp.

Fri
Ans. by W.R.H. June 96

ASSISTANT SECRETARY
JUN 16 1896
DEPARTMENT OF STATE.

Confidential
No. 3014.

U.S. Consulate General.
Havana, 4 June, 1896.

INDEX BUREAU
REC'D.
JUN 9 1896
DEPT. OF STATE

File

Mr Williams
to the
Department of State.

Requesting that a copy of my despatch No. 953, dated about the 31st of March, 1889, be sent to the personal address of General Fitzhugh Lee.

Confidential.
No. 3014.

U. S. Consulate General.
Havana, June 4, 1896.

Hon. William W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

General Fitzhugh Lee, my successor, who is about to enter upon the duties of this office, requests me to ask you to send him, in the pouch, to his personal address a copy (with one of the tracing that accompanied it) of my despatch No. 953, dated about the 31st of March, 1889, and written for the Naval Intelligence office by instruction of the Department of State. I will add that the press copy taken

taken in this office was
destroyed by me for what
I judged prudential reasons.

I am, Sir,
Very respectfully,
Your obedient servant,
Lawrence O. Williams,
Comptroller General.

RECEIVED
JUN 16 1896
BUR. ACCOUNTS. DEP. OF STATE.

Bur. accounts

Amount allowed

ASSISTANT SECRETARY
JUN 16 1896
DEPARTMENT OF STATE.

No 3015.

INDEX BUREAU
REC'D.
JUN 16 1896
DEPT. OF STATE

U. S. Consulate General

Habana, June 5th 1896

Mr. Williams

to the

Department of State.

Jin

Transmitting an account for expenses incurred on account of Walter Grant Dygert, and advising draft for same on Sec'y. Secretary of State.

No: 3015.

U. S. Consulate General

Habana, June 5th 1896.

Hon: W. W. Rockhill.

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith an account with vouchers, for expenses incurred on account of Mr. Walter Grant Dygert, an American citizen arrested by the military authorities of Cuba, released and sent to Key West, and in whose

personal behalf this Consulate General interposed its humane offices by repeated instructions of the Department.

As the said expenses were actually and necessarily incurred, I trust that the account will be approved; and have therefore drawn upon the Honorable Secretary of State at 15 days, acceptance waived, in favor of Messrs Grinnell Minturn & Co, of New York for the amount of same, twenty five 79/100 dollars - $25.79

I am Sir.

Very respectfully

Your Obedient servant

T. M.

James C. Williams
Consul General

1 Enclosure.

ASSISTANT SECRETARY
JUN 16 1896
DEPARTMENT OF STATE.

No.3,016. U.S.CONSULATE GENERAL.

HABANA, June 5th,1896.

INDEX BUREAU
REC'D.
JUN 16 1896
DEPT. OF STATE

Hon: WILLIAM W.ROCKHILL,

Assistant Secretary of State.

Washington. D. C.

Feb 21 1902
To the
Committee on Claims
House of Rep.

Sir:

I have again to refer to previous despatches respecting the allowance for clerk hire of this office,-- numbers 2180 and 2185 of April 9th and 21st, and 2364 of November 9th,1894,and also to the Department's instructions numbers 924,of April 21st, (respecting the assignment of a consular clerk,) and 934 of May 13th,1894,(regretting there were no available funds for the allowance of messenger service to this office.)

With my last mentioned despatch,I accompanied a statement showing that during a period of less than two years previous to September 15th,1894,I had paid from my own compensation as consul general,to clerks who had been appointed and employed under the instructions of the Department and were actually and necessarily required for the business of the office, a sum in excess of the allowance for clerk hire, of fifteen hundred and eighty 45/100 dollars. $1,580.45

In said despatch I also reported fully upon the causes which occasioned such a large increase to the business of the consulate general; principally due to the reciprocity agreement between the United States

and Spain,and especially to the one item alone of the claims and protests presented by the importers here of american products,-(who were entitled to certain franchises under said agreement,)- against the errors and misinterpretations of the Spanish customs authorities,due to ^mutual delay in publishing the ^joint repertory agreed upon between the two governments.

Under the telegraphic instructions of the Department of State of June 28th,1892,this office was obliged to receive all such protests,which involved a considerable amount of labor in the preliminary consultations, and the receipt,record,filing and translation of the documents,not alone of those presented here,but at other consular offices on the Island and then transmitted to this consulate general,and also in the correspondence with the fiscal authorities of the Island,mostly conducted in two languages.

As already stated to the Department,not a dollar was charged for any service connected with said business,either for an official fee,or for any personal service of an un-official,notarial or clerical character,or for extra hours of labor,my sole purpose throughout having been to aid in every manner to the development of our foreign commerce.

I will here state,what is known to be a notorious fact,that no notary public here could be induced at any time to receive a protest against any branch of the Spanish public service,and only through the instructions of the Department of State,and the action

of this consulate general could the importers here of american products,under the reciprocity agreement, make any claim or receive any attention whatever to their protests. I support this assertion by the sworn statement of the clerks who were serving in this office during the existence of said treaty.

These were some of the reasons which absolutely forced the continuance of a tried and capable clerk and the payment to him of a fair salary,which made an outlay in excess of the sum allowed this office for clerical service. It was impossible without detriment to american commerce to diminish the clerical force of the consulate general during the period of the treaty.

Since the date of my former statement referred to,September 15th,1894,- I have paid out several sums to temporarily employed clerks,but the extra labor thrown upon the office by the actual circumstances of the Island,warranted a regular clerk,and since August last,Mr.TOSCA was again employed in order to keep up the necessary clerical force,at a further expense to myself,and the total,as shown in the statement I herewith accompany,amounts to date;$2,222.08

I respectfully submit that in my opinion the Government could not have intended to impose extra burdens upon this office without making some provision therefor. And I have to ask that the character of a great part of the duties performed at this consulate general may also be taken into account,duties

involving diplomatic or semi-diplomatic functions, owing to the great distance of this Island from its Mother-country,where is situated the Legation of the United States. It is superflous to specify the well-known cases that have occurred within several years past,as well as those of quite recent occurrence, wherin usually diplomatic intervention only is allowed, that have been attended to by this consulate general. Although under the law,no extra compensation is provided for the preformance of such duties,I respectfully beg their consideration in connection with the subject now engaged upon,and with reference to paragraph 465 of Consular Regulations,which,in view of the special characteristics of this office,when compared with the consulates general of London,Paris, Berlin,Vienna,St.Petersburg,Rio de Janeiro and Mexico, in each of which places is located a diplomatic officer, owing to its great distance from the corresponding Legation at Madrid,would seem to make it specially applicable and justificatory of my claim; as I have actually performed diplomatic functions in the absence of any regular diplomatic officer in this country,and would therefore be entitled to receive extra compensation therefor,at the rate of compemsation allowed to a secretary of legation.

In support of the foregoing claim,I would call the attention of the Department to the following facts: Within a few months ,(November 1884,) after my entry upon the duties of this office,I made a full report to the Department in obedience to circular dated

August 21,1884,for which I had examined the files of the office and correspondence of my predecessors for a score of years previously,showing that all had written in the same sense upon the subject of the compensation of the office,its duties,its inadequate clerical force,and the dangers, discomforts and expense of a residence in this tropical country for any length of time. This report was published as Ex: Doc: No.65,of the 48th Congress. Among other matters I therein stated that in former years,there had been two consular clerks assigned to this office whose salaries amounted to $2,400.- and a further allowance for extra clerk hire,of $2,000.- which commenced July 1st,1874. The consul general also had allowances from the Post Office and Navy Departments,which he applied towards the expense of clerk hire,but these allowances were discontinued in 1877. He also acted as sub-commissioner under the Hispano-American Claims Commission,and had an extra compensation. From November,1880,there has been but one consular clerk,and from July ist,1884,the clerk hire allowance was cut down to $1,600.- and this happened during a period when the work of the office was gradually increasing.

The Department on September 18th,1890,continued clerk hire at $1,600.- and allowed $1,000.- per annum for messenger service. Of this latter amount during the first six months of the fiscal year there was

expended, ... $ 114.13

leaving therefore,an un-expended surplus of " 385.87

Instruction 582,Jany 29,1891,allowed an increase in messenger service for remainder of fiscal year,Jany to June,at the rate of $1

to June,at the rate of $1,500.- which to June 30,- the remaining six months of the fiscal year,would be $750.-

of which there was expended only, . . . "516.-

leaving an un-expended surplus of . . "234.

or, out of the whole allowance for the fiscal year of 1890-91,of $1,250.- an un-expended amount of $619.87

The Department circular of August 1st,1891,allowed clerk hire at $2,000.- and continued messenger service at $1,000.; this latter sum was entirely expended for the year,while the clerk hire allowance was drawn upon only for the salaries of two clerks,(Mr.Sanchez Dolz and Mr.Albertini,) to the amount of, . $2,112.-

leaving an un-expended surplus of , . " 488.-

The Department circular of August 29th,1892,discontinued from July 1st,the allowance for messenger service,but as the same had been performed from July 1st to September 7th,(the date of receiving notice,) a voucher was presented in account for $171.- the amount paid to that date,which was dis-allowed by the Comptroller in the adjustment of my accounts for the September quarter. Mr.Tosca, who had been paid from messenger service,was then transferred to the list of clerks. The sum of $171,that had been paid to him as messenger was then charged to clerk hire in my December quarter accounts,but,as advised by Comptroller only $65. was found to be the amount un-expended from the clerk hire and allowed. I was instructed to credit back to the Government the exeess paid by me from December 1892 to March 31,1893;$ 244.98

and Mr.Springer,vice consul general,for amount paid by him during my absence on leave,October

brot over $244.98

12th, to November 30,1892, . . . $ 73.02

but the total of these two amounts, . $318.-

do not reach the sum of un-expended surplus

for fiscal year of 1891-92,by . . . $170.-

The amounts stated,of payment in excess of allowance have been regularly set forth in my successive accounts current for salary and fees,transmitted since that dated March 31st,1894, and are in conformity with the sums as stated in the accompanying account to which I refer,amounting to ----------$2,222.08

I again ask of the Department that the foregoing matter be taken into favorable consideration,and the relief I ask for be granted me.

Very respectfully,

Your obedient servant,

James O. Williams

Consul General.

Address: No.35 Cambridge Place. Brooklyn. N.Y.

2 enclosures.

Enclosure No.1. 3,016.
With Despatch No. 3,016.
H A B A N A , June 5th.1896.

WE, the undersigned, clerks of the Consulate General of the United States at Habana, and serving therein during the existence of the Reciprocity Agreement between the United States and Spain, do hereby declare, under oath, that from our own personal knowledge, it was impossible for the importers here of American goods imported under the conditions of the treaty, who desired to make protest or claim against the Spanish customs authorities for misinterpretation thereof or errors in the entry of goods, originating from the absence of the joint repertory between the two Governments, as provided by the treaty, whereby their interests were considered prejudiced,-- to induce any notary public here to receive a protest, not only against the customs but against any branch of the Spanish p public service, the notaries being fearful of taking any such step against the Government.- Consequently, the importers, greatly to their benefit, presented their protests at this Consulate General, and most of them being in the Spanish language, required translation into the English before being properly filed, and transmitted to the Department of State and to the Regional Governor of Habana; and we further declare that no charge whatever was made in this office of an official or un-official character for any service connected with said protests.

Subscribed and sworn to before me, this 6th. day of June, 1896.

Consul General.

Enclosure No.2.-
With Despatch No. 3,016.-
H A B A N A , June 5th,1896.

T H E G O V E R N M E N T of the U N I T E D S T A T E S.
W A S H I N G T O N . D. C.
T O R A M O N O. W I L L I A M S ,
U. S. C O N S U L G E N E R A L.
H A B A N A , C U B A . D R .

FOR amount paid for CLERK HIRE EXPENSE,actually and necessarily incurred,in excess of amount allowed by State Dept:

For	amount paid for messenger service from July 1 to Sept.7,inclus,1892;charged in AC´CT CURRENT dated Sept.30th,1892; dis-allowed by Department of State in Instruction,742,Oct:19, 1892; credited back to U.S.in AC´CT CURRENT dated December 31,1892;charged in same account as CLERK HIRE,and dis-a;;owed ;----------	$	171.-
"	amount paid for extra clerk hire in excess of rate allowed,($2,000.-) from Decr 1st´92,to March 31,1893; as advised by Comptroller on October 2,1893; credited to U.S.in my ac´ct current dated October 19,1893;----------	"	244.98
"	the same charged in my accounts current for June and September quarters,1893; dis-allowed as advised by Comptroller Jan 23,´94; credited back to U.S. in Ac´ct dated Mar:31,1894;	"	362.
"	the same, from Oct:1st to 19th,´93 $ 52.86		
"	" ", from Nov:26 to Decr 31,´93,"100.18	"	153.04
	advised by Comptroller June 11´94,and credited back to U.S. in ac´ct dated Mar:31,1894 ;-		
"	the same, for March quarter,1894. ----------	"	256.
"	the same,for June quarter, 1894;----------	"	256.-
"	the same, for July 1st to Sept 15th,1894	"	137.43
	Total to September 15th,1894;	$	1,580.45
"	the same for December quarter,1894,----------	"	75.14
"	the same for March quarter,1895, ----------	"	66.-
"	the same for period of April 1st to 27th,---	"	8.31
"	the same for September quarter 1895, ------	"	180.-
"	the same for December quarter 1895,----------	"	256.-
"	the same for March quarter 1896;----------	"	19.92
"	the same for period April 1st to June 5th,´96		36.26
	Total;	$	2,222.08

U.S.CONSULATE GENERAL, HABANA,June 5th,1896.

Ramon O. Williams
Consul General.

INDEX BUREAU
RECD.
JUN 27 1896
DEPT. OF STATE

ASSISTANT SECRETARY
JUN 27 1896
DEPARTMENT OF STATE.

No:

U. S. Consulate General.

Habana. June 22 1896.

Mr. Springer

to the

Department of State.

Transmitting claim for extra clerk hire paid by him, similar to claim presented by Mr. Williams.

One enclosure.

No.

U. S. Consulate General.
Habana, June 22 1896.

Hon. William W. Rockhill,
Assistant Secretary of State.
Washington.
D. C.

Sir:

With reference to Mr. Williams' dispatch to the Department, No. 3016. of the 5th instant, with which he presented a claim for the amount of clerk-hire in excess of allowance, actually and necessarily expended by him for that service at this office from July 1892. to June, 1895,

and the cogent reasons he presents for repayment to him of said amount, -

I herewith beg to submit a statement showing that during the several leaves of absence of Consul General Williams, during which I had charge of the consulate general, I was obliged to keep up the expense for clerical service at the rate established by him, at a considerable charge to myself, amounting to $200.84.

I therefore ask of the Department relief to that amount, and beg that the same favorable consideration and resolution be given to

this claim, as will be allowed to that presented by Adj. Williams.

I am, Sir.

Very respectfully
Your obedient servant,

Joseph A Springer.
Vice Colonel General.

Enclosure:

Account for extra clerk hire;

THE GOVERNMENT of the UNITED STATES.

WASHINGTON. D. C.

TO JOSEPH A. SPRINGER,

U. S. VICE CONSULGEN'L.

HABANA, CUBA. DR.-

For amount of CLERK HIRE EXPENSE, actually and necessarily expended by me in excess of the amount allowed by the Department of State, during the absences on leave of the Consul General; viz:

For	amount paid for clerk hire from October 1 to November 30, 1892; dis-allowed as excess of allowance, advised by Comptroller Oct: 2, 1893, and credited back to U.S. in my account for SALARY & FEES, dated Nov: 25, 1893;	$ 73.02
"	the same paid from October 20 to November 25, 1893, dis-allowed by Department of State as advised by Comptroller June 12, 1894, and remitted by me in August, 1894; . .	" 102.96
"	the same from September 16 to 30th, 1894;	" 4.87
"	the same from April 28 to June 30, 1895;	" 19.69
	Total: . .	$ 200.54

U.S.CONSULATE GENERAL.

HABANA, June 22, 1896.

Joseph A Springer

Vice Consul General.

Dispatch.

No. 1.

INDEX BUREAU
REC'D.
JUN 11 1896
DEPT. OF STATE

United States Consulate General,
Habana, June 6. 1896

Mr. Lee
to the Department of State

Subject
Assuming charge of the
Consulate General.

No. 1.

United States Consulate General,

Habana, June 6th 1896.

Honorable Richard Olney,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that I have this day entered upon the duties of this office as Consul General.

I have the honor to be, Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

No. 2.

INDEX BUREAU
REC'D.
JUN 22 1896
DEPT. OF STATE

U. S. Consulate General.

Habana. June 15th 1896

File

Mr. Lee

to the

Department of State

Transmitting inventory.

One enclosure.

No 2.

U. S. Consulate General.
Habana, June 15th 1896.

Hon: William W. Rockhill.
Assistant Secretary of State
Washington
D. C.

Sir:

I have the honor to transmit herewith, an inventory made jointly with my predecessor, Mr. Ramon C. Williams, of the seals, cypher code, archives and various effects of this consulate general, dated June 5th 1896.

I entered upon my duties

of Consul General at Habana,
upon the day following. June 6th
1896.

I have the honor, Sir, to be
Very respectfully
Your obedient servant,

Consul General.

Enclosure:
Inventory.

Enclosure No.1.

With Despatch No.2. H A B A N A , June 15th,1896.

CONSULATE GENERAL of the UNITED STATES of AMERICA.

H A B A N A, June 5th,1896.

WE do hereby certify, that on this 5th day of June, 1896, the services of RAMON O.WILLIAMS, as Consul General of the United States at HABANA ceased,and he is entitled to the salary thereof including said day ; and that the services of FITZHUGH LEE commence the day following,he having received the archives,a full and complete inventory of which is hereto annexed,as required by the Consular Regulations, Art: IX.

U.S.Consul General.

late U.S.Consul General.

-----o-----

With Despatch No. 2.- HABANA, June 15,1896.

INVENTORY of Archives and other papers of the Consulate General of the United States at Havana, Cuba, delivered on June 5,1896, by Mr. Ramon O. Williams, Consul General, to Mr. Fitzhugh Lee, appointed Consul General.

Files of correspondence of records of the Consulate General with the Dep rtment of State to 1896.

Correspondence with other officers of the United States, also correspondence with other consular officers on the Island of Cuba, and other private individuals.

Files of correspondence with spanish authorities to June 5th,1896.

Books of Record of this Consulate General.

Printed books including Wharton's Dygest, Wheaton's International Law, United States Statutes at Large, Revised Statutes, Foreign and Commercial Relations , Spanish and English dictionaries, Synopsis Treasury Decisions, Naval Encyclopedia and a number of other volumes in Spanish and English used in the official business of the office.

FURNITURE.

7 Desks	2 Iron safes.	6 Book cases.
2 Sofas.	15 Chairs	1 press with table

3 typewriting machines with tables

1 clock. 2 National "Coats of Arms".

2 Flags of the United States

1 Code book in cypher.

4 Wardrobes.

1 Water cooler.

Havana, June 6th, 1896.

Fitzhugh Lee
U. S. Consul General

Lamar V. Dillingham
late U. S. Consul General

—,—

U.S.CONSULATE GENERAL.

H A B A N A , June 5th1896.

I have this day received from RAMON O.WILLIAMS,Esq. U.S.Consul General at HABANA,the CYPHER CODE of the DEPARTMENT of STATE,No.26, together with its APPENDIX HOLOCRYPTIC CODE,No.26; for which I have given duplicate receipts.

Fitzhugh Lee

Consul General.

-----o-----

Am ch
June 24

No 3.

INDEX BUREAU
REC'D.
JUN 22 1896
DEPT. OF STATE

U. S. Consulate General

Habana, June 15th 1896.

Mr. Kell

to the

Department of State.

Nominating Mr. Joseph A. Springer for appointment to be Vice and Deputy Consul General, and re-nomination of Mr. Adolfo Sanchez Dolz to be Deputy Consul General.

No 3.

U. S. Consulate General

Habana, June 15th 1896

Hon: William W. Rockhill,

Assistant Secretary of State

Washington,

D. C.

Sir:

As provided by Consular Regulations, paragraphs 39 and 109, I have the honor to nominate for the office of Vice and Deputy Consul General, at Habana, Consular Clerk Joseph A. Springer, who has held the office of Vice Consul General under my predecessor,

since August 21st 1884, and
within this period had charge
of the consulate general during
the absence on leave of the
incumbent, on ten occasions,
and, as I understand, per-
formed its duties to the
satisfaction of the Department.

I desire to make this
appointment, for the reason
that it will relieve me from
much of the routine and
detail labor of the office
when it is necessary to devote
myself to the consideration
of matters more important
for the time being, and further
that it may be convenient
for me to make short and

temporary absences from my consular district of a few days at a time, for the purpose of personally procuring information and for other purposes, during which absences Mr. Springer can assume charge without the necessity of rendering separate accounts should I, by any contingency exceed the ten days limit of absence from my post.

I also re-nominate Mr. Adolfo Sanchez Dolz to be Deputy Consul General, to which position he was appointed March 12' 1891.

Trusting that the foregoing

will meet the approval of the Department,

I am, Sir, very respectfully

Your obedient servant,

Fitzhugh Lee

Consul General.

No 4.

U. S. Consulate General

Habana, June 17th 1896

INDEX BUREAU
REC'D.
JUN 22 1896
DEPT. OF STATE

Mr. Lee

to the

Department of State.

Transmitting copy of protest filed with Governor General, relative to claim of Mr Andres Fernandez, against decree of May 15th 1896

One enclosure.

No 4:

U. S. Consulate General.

Habana, June 17th 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington.

D. C.

Sir:

I have the honor to acknowledge the receipt of instruction number 1377, of the 6th instant, addressed to my predecessor, relative to the protest of Mr Andres Fernandez, a citizen of the United States, against a proclamation of the Governor

General of this Island, suspending for one year the action of the courts of justice in this Island, in all suits for the collection of mortgages &c,

In obedience to said instruction, I have under this date filed a protest with the Governor General, of which I accompany a copy.

I am Sir, very respectfully your obedient servant,

Fitzhugh Lee

Consul General.

Enclosure:

Copy of protest.

Enclosure No.1.

With Despatch No. 4.

H A B A N A , June 17th,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, June 17th,1896.

To His Excellency the Governor General

of the Island of Cuba,

&c, &c,

Excellency:

Under instructions received from my Government, I beg to call the attention of Y.E.to the following case:

Mr.ANDRES FERNANDEZ, a citizen of the United States, and a resident of this city,the executor under the will of his brother,ROBERTO FERNANDEZ,also an American citizen, deceased,is claiming payment before the courts of this Island of a mortgage for $108,000.- U.S.money,upon the sugar plantation "UNION",formerly the property of PEDRO L.FERNANDEZ,and today belonging to Don JOSE LEZAMA of this city.

This mortgage was given to the firm of FERNANDEZ & CALVO,of 120 Front St,New York,for a debt contracted by PEDRO L.FERNANDEZ with said firm for the said amount of $108,000. which,being unable to pay,he executed therefor the mortgage referrd to,and the same has been duly recorded in the Cuban Registers. Subsequently,the said firm transferred its rights to the heirs of the aforesaid ROBERTO FERNANDEZ,also American citizens.

The judicial proceedings initiated for the collec-

tion of this claim which were being urged before the tribunals of this Island,have been suddenly stopped by the decree of Your Excellency of the 15th May,last,suspending for one year all judicial proceedings for the recovery of money loaned on mortgages and other specified credits.

The injury done to the rights of am American citizen by the operation of Y.E.'s decree,is manifest, and I am instructed by my Government to call the attention of Y.E. to the provisions of Art: XX of the treaty of 1795,betwen the United States and Spain,and to file with Your Excellency this protest against the infraction of the rights of an American citizen thereunder,by the operation as aforesaid of Y.E.'s decree.

I append the Spanish text of the said Art:XX, for Y.E.'s ready reference, and remain,

with the assurances of the highest consideration

Your Excellency's most obedient servant,

(Signed) FITZHUGH LEE.

Consul General.

DIPLOMATIC
JUL 21 1896
BUREAU.

ASSISTANT SECRETARY
JUN 24 1896
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
JUN 23 1896
DEPT OF STATE

No. 5.

U. S. Consulate General

Habana, June 18th 1896.

Mr. Lee

to the

Department of State.

Inc. to Spain
July 21/96

Transmitting a claim against the Spanish Government, presented by Mr. Ricardo Yarres, as attorney of Alberto V. de Goicouria

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One enclosure -

No. 5.

U. S. Consulate General.

Habana, June 18 1896.

Hon: William W. Rockhill.

Assistant Secretary of State,

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Ricardo Farres, a citizen of the United States and attorney of Mr. Albert V. de Goicouria, also an American citizen and resident of the city of New York, in which

statement is embodied. a claim
against the Spanish Govern-
ment to the amount of one
hundred and thirty thousand
dollars, for loss and damages
to the property and interests
in this Island of said Goicouria.

I am, Sir, very respectfully
Your obedient servant

Fitzhugh Lee

Consul General.

Enclosure:

Copy of statement referred to.

Enclosure No.1.

With Despatch No.5.

H A B A N A , June 18th,1896.

Copy. U.S.CONSULATE GENERAL.

HABANA, June 16th,1896.

BE IT KNOWN, that on this 16th day of June, 1896, before me, the undersigned,Consul General of the United States of America at HABANA,personally appeared Mr.RICARDO FARRES y FUERTES,a citizen of the United States residing in this city,and being duly sworn did declare as follows:

that he is a native of this Island, forty nine years of age,married,planter,and is a citizen of the United States,having acquired citizenship in the city of New York,at the Court of Common Pleas, February 7th,1871,and that he came to Cuba in 1874, with a passport issued by the Department of State, No.42,729,dated November 9th,1874;

that he is the attorney of Mr.ALBERT V.de GOICOURIA,a citizen and resident of the United States, stock-broker in the city of New York and member of the Stock Exchange,and was appointed said attorney, as appears by the due protocolization before the Notary Public of this city,Don ANDRES MAZON y RIVERO, No.29 dated January 19th,1891,of the power conferred on him by said GOICOURIA in the city of New York, before the Notary Public, Mr.ANTONIO C.GONZALEZ,dated July 18th,1890; as appears by a duly certified

copy thereof,exhibited to me by said appearer,and which I have returned to him;

that said GOICOURIA is the owner of the plantation called "HORIZONTE",situated in the district of Sagua la Grande,Province of Santa Clara in this Island,comprising 112 caballerias of land,eighty of which have hitherto been devoted to the planting and raising of sugar cane,and this appearer exhibits to me certified copy of the title deeds of same, dated June 20th,1890,executed before the Notary Public Don ARTURO GALLETTI,duly recorded in the Register of Property of Sagua la Grande,Huly 22,1890, and which after examination I have returned to him;--

And the said appearer declares that since the time mentioned,he has been administrating the affairs of said plantation as the said attorney of its owner aforesaid,of which plantation as stated 80 caballerias are devoted to sugar cane planting,and the remainder to stock farms and grazing pastures.

That during the existence of the present troubles of the Island,the said farm has had no protection from the Spanish Government by placing troops on the farm; and that the tenants of the place have in all cases kept aloof from participation in the revolutionary disturbances now agitating the Island, and have strictly observed the existing laws and regulations of the Spanish Government.

That on the 14th of March last,the cane-fields, houses and buildings on the farm were totally destroyed by fire,caused by the insurgent forces in

revelt against the Spanish Government,and supposed to have been under the leadership of LACRET and others, who came upon the place and totally ruined it; that at the time there were more than 40 caballerias in good condition and the cane ripe and ready for cutting,and loss thereon is estimated at $3,000.- per caballeria; the buildings totally destroyed were valued at $10,000.-

That Don JUSTO TORRES,the administrator or Overseer of the place,employed by this appearer,endeavored the following day to have the Alcaldes of the nearest towns,Sierra Morena and Corralillo,take his deposition and draw up a notarial act relative to the loss and estimating the damage,but both refused; wherefore,the said overseer on the same day induced three neighbors,who are also landowners and planters, Don MANUEL GONZALEZ,Don JOSE FORTON and Don MARCOS MARTINENA,to inspect the place and give him a document under their hands regarding the fire,and estimating the loss; that said document hath been now exhibited to me,countersigned by me and returned to the safe keeping of this appearer,who deposes thereto.

WHEREFORE, the said appearer doth hereby solemly and truly protest against the Spanish Government in the Island of Cuba,for the losses sustained as herein set forth,and occasioned from the lack of protection afforded the said property,and doth declare that all losses,costs and damages are and of right to be borne by the said Spanish Government,and considers that his said constituent,Mr.ALBERT V.de GOI-

COURIA,the owner of said plantation "HORIZONTE",is entitled to an indemnity therefor,to the amount of the loss sustained,to wit: ONE HUNDRED and THIRTY THOUSAND DOLLARS,Spanish gold, ($130,000.-) and interest thereon till time of payment and such further relief as may be afforded him.

(Signed) RICARDO FARRES.

Attorney of ALBERT V.de GOICOURIA.

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U.S.CONSULATE GENERAL at HABANA.

BE IT KNOWN, that on this 16th day of June,1896, before me,the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr.RICARDO FARRES,to me personally known and known to me to be the person named in and who subscribed as the attorney of Mr.ALBERT V.de GOICOURIA,the foregoing instrument of the nature of a protest against the Spanish Government and claim for indemnity,and being duly sworn deposed to the same,and declared that the facts therein set forth are true.

WITNESS my hand and the seal of this Consulate (SEAL.)General at HABANA,this sixteenth day of June,1896.

(Signed) FITZHUGH LEE.

Consul General.

-----o-----

A true copy:

Consul General.

-----o-----

Copy.

No: 6.

INDEX BUREAU
REC'D.
JUN 25 1896
DEPT. OF STATE

U. S. Consulate General
Habana, June 20th 1896. Jlc

Mr. Lee

to the

Department of State.

Receipt of Instructions.

No. 6.

U.S. Consulate General.
Habana, June 20 1896.

Hon. William W. Rockhill
Assistant Secretary of State.
Washington
D.C.

Sir:

I have the honor to acknowledge the receipt of instructions, numbers 1373, to 1376, inclusive, addressed to my predecessor.

Very respectfully
Your obedient servant
Fitzhugh Lee
Consul General.

ASSISTANT SECRETARY
JUN 25 1896
DEPARTMENT OF STATE.

No: 7.

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REC'D.
JUN 25 1896
DEPT OF STATE

U. S. Consulate General

Habana, June 20th 1896.

Mr. Lee

to the

Department of State.

Answd. July 1. Com. Bond

Making a requisition for two typewriting machines.

Department of State,

CONSULAR BUREAU,

June 26, 1896

Mr. Rockhill -

I suggest that Gen. Lee be authorized to exchange one of the old machines in his office for a combination English & Spanish one. I understand that they are made this way. With the new one already arrayed for this shd. be enough.

R.S.L.

O.K.
WR

No: 7.

U. S. Consulate General.
Habana, June 20 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

I beg to make requisition for two typewriting machines, — one with the Spanish alphabet, — and preferably of the Smith-Premier make, in place of two in this office, which I am informed have been in constant use since July and August, 1892. A

third machine, for which I receipted in the inventory, I learn has been sent to New York, and will be exchanged for a new style Remington, at an expense of about fifty dollars. This last machine having been in use since November. 1891, had become almost unserviceable.

The machines asked for may be sent out by Baldwins Express, care of dispatch Agent New York, to whom I will return those exchanged, or dispose of them as I may be instructed.

Very respectfully, ~~Your obt Servant~~

F. Z. Tinsdall

Consul General.

INDEX BUREAU
RECD.
JUN 27 1896
DEPT. of STATE

ASSISTANT SECRETARY
JUN 27 1896
DEPARTMENT OF STATE.

No: 8.

DIPLOMATIC
JUL 21 1896
BUREAU

Mr. Fairman

U. S. Consulate General.

Habana. June 23 1896

Mr. Lee

DIPLOMATIC BUREAU
JUL 17 1896

to the

Department of State.

Inclosure in Spain
No. 8 July 21/96

Transmitting supplemental

statement of Clk. Torres

One enclosure.

No 8.

U.S. Consulate General.

Habana, June 23d 1896

Hon: William W. Rockhill

Assistant Secretary of State.

Washington

D.C.

Sir:

With reference to my dispatch No 5. of the 18th instant, in which I transmitted a claim of Mr Ricardo Farres, as attorney of Mr. Alberto V. de Goicouria, I now transmit copy of a document which Mr. Farres desires

to append to his former statement.

I am, Sir, very respectfully your obedient servant,

Consul General.

One enclosure

Copy of supplemental statement of Ella Farrell.

Enclosure No.1.

With Despatch No. 8.

H A B A N A , June 23rd,1896.

Copy.

U.S.CONSULATE GENERAL.

H A B A N A , June 22nd, 1896.

BE IT KNOWN, that on this 22nd day of June,1896, before me, the undersigned, Consul General of the United States at HABANA, again personally appeared the aforesaid RICARDO FARRES,and presented a document signed by the Clerk of the Mayor's Office of Cerralillo,to which he deposes and requests that it be copied and made a part of his foregoing statement:------

" Ha entregado Don JUSTO TORRES en esta Alcaldia
"un parte dando cuenta de que á las siete de la
"mañana del dia de hoy le habian manifestado los
"colonos de la finca "HORIZONTE",que habian sido
"incendiadas todas las colonias de dicha finca con
"dos casas de tabla y teja y una de guano.
" Cerralillo.14 de Marzo de 1896.
"(Sello: Alcaldia Municipal de "Ceja de Pablo.) (Signed) El Secrio
G.PEREZ.

which document has been carefully compared with the copy hereinbefore made,and returned to the appearer. The following is a true and faithful translation of the same into English;to which I attest:

" Don JUSTO TORRES has delivered to this Office
"a report giving account that at seven o'clock this
"morning,the tenants of the farm "HORIZONTE",had

"informed him that all the "colonias" or cane
"plantations of said farm,had been burned,together
"with two wood and tile houses and one of thatch".

Corralillo,March 14th,1896.

{"Seal of the Mayor's Office at Ceja de Pablo.--} (Signed) G.Perez. Clerk.

(Signed) RICARDO FARRES.

Subscribed and sworn to before me:

(Signed) FITZHUGH LEE.

Consul General.

---o---

A true copy:

Consul General.

Secretary of State
JUN 29 1896

U.S.Consulate General, Habana,

June 24th. 1896.

Honorable W.W.Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:-

I have the honor to acknowledge the receipt of a copy of Mr.Williams' despatch number 953, of March 30, 1889.

It will be retained in my safe and not filed in the Consulate General.

I am, Sir,

Your obedient servant,

Consul General.

2110

INDEX BUREAU
REC'D.
JUN 27 1896
DEPT. OF STATE

ASSISTANT SECRETARY
JUN 27 1896
DEPARTMENT OF STATE.

Secretary of Stat
JUN 29 1896

No: 9.

U. S. Consulate General

Habana, June 24 1896.

Mr. Lee

Rec'd June 30.

to the

Department of State

Transmitting copy of a letter from a prominent Spaniard, and article from "El Pais".

---

2 enclosures.

Mr Blaisdell.

The Secretary will wish to see this.

V.K

Acknowledged
R.C.

No 9.

U. S. Consulate General
Habana, June 24 1896.

Hon: William W. Rockhill
Assistant Secretary of State,
Washington
D. C.

Sir:

I have the honor to enclose herewith for your information, a copy of a letter from a Spaniard, who is a reformist and a Colonel of volunteers.

The article from "El Pais", is necessarily obliged to be moderate in tone.

I.

I am, Sir,

Very respectfully

Your obedient servant.

Consul General

Enclosures:

1- Letter referred to.

2- Article from "El. Pais".

names on the cards mentioned.

The Director of the Board of Commerce,

The Dean of the College of Notaries

Ramon Arguelles.

Director of the Bank of Commerce

Director General of Telegraphs

Julian de Tolosgano.

Enclosure No. 1-

With Despatch No. 9

H A V A N A , June 24. 1896.

TRANSLATION.

HABANA, June 20, 1896.

To the Consul General of the United States at Havana.

Dear Sir:

I beg you to please meditate on the actual political situation of this Isìand, perusing with care the enclosed article published yesterday by "EL PAIS", the organ of the autonomist party in this capital.

I have to inform you that I am not an autonomist, but a reformist, born in Spain, and colonel of Volunteers, and that I have done many services to my Country. Neither do the respectable friends who accompany their cards as an expression of their conformity with my opinion belong to the Cuban party. But we all, as well as other equally respectable persons who will have occasion to meet you, do honestly declare that the best report we can furnish relative to the crooked conduct observed by the Government with regard to this unfortunate land of Cuba, is to invite you to hear with calmness and good judgement the bitter complaint of the autonomist paper, which is the exact expression of the general sentiment of this city and faithful echo, in this case, though we may not belong to that party, of all honest men of this country.

Respectfully etc. etc.

(Signed) Manuel del Valle.

Enclosure No. 2.

With Despatch No. 9.

H A B A N A , June 24, 1896.

TRANSLATION.

From EL PAIS of Havana, June 18, 1896.

---o---

AMBIGUOUS POLICY.

Notwithstanding the Government may have promised, according to a modest phrase inserted in the Speech from the Throne relative to the personality of the country,, to crown the pacification by the establishment of a regime which, drawing the curtain on so much modesty, has been called that, "of autonomy," in the English version of said Speech communicated to the foreign press, it is nevertheless true that in the meantime despite the wish of giving assurances to public opinion, as the fact of calling the nation and the world as witnesses of the sincerity of such promise shows, an entirely contrary policy is practised in the colony.

If what is wanted is to comply with the wishes of the country by recognizing its personality they should commence by respecting the latter in the organisms springing from its bosom and in which it naturally reveals itself, as are those political parties which, being within legal limits, and though not having arisen to

governmental cohesion, are an expression of the popular will, and have received from it the breath of their lives.

But, far from considering the rights of these political parties action is taken as if they were entitled to none. Although it has not been oficially announced that the time has arrived to conceal the statue of the Law, that the absolute dominion of military dictatorship has not been proclaimed, and that it remains to all appearances subject to the restrictions of the Law of public order; the opposition parties do not feel that their rights are protected by the Law, notwithstanding the latter may appear erect on its pedestal.

All that the opposition parties have gained in a long series of years and as the result of vigorous electoral efforts, is now being lost by the governmental action. It is not clearly declared that the opposition parties are to be deprived of what belongs to them, but the latter in fact find themselves despoiled.

Considering our governmental practices, what we must fear the most are these surreptitious proceedings. Among us the abuse is never confessed though it may become a system. Governmental modesty does not consent to declare many things that we are disposed to realize, or which are already established. That same modesty does not, for example, consent that the Government should call autonomy by its real name in the Speech from the Throne to be read by the nationals, still that word appears in the version to be read by foreigners. In

the same manner, through modesty, the laws protecting the political rights of citizens are not declared in suspense, but the latter have occasion to convince themselves that these rights cannot be practically exercised.

As the result of a regime of insecurity in the Law and of mistrust in the insincerity of the policy openly proclaimed, scepticism spreads its deep roots, however solemn may be the promises with which attempts are made to extirpate it. If the obligations and duties of the present are not fulfilled, no confidence can be placed in the promises for the future. The criterion to judge a policy does not reside in the phrases which preconize it, but in the facts which confirm it: the political insincerity of thepresent cannot inspire confidence in the future. If the Government wishes to be believed, instead of words, in lieu of solemn forms, it must give assurances of another nature. Let it respect the rights of all at present, and there will then be no fear of it not complying with its promises for the future. But perhaps this is asking too much of a Government which has gone so far in its work of annulling the liberal parties that it cannot now retrocede. It is not to be wondered, therefore, that the liberal opinion should watch with suspicion the acts of the Government and mistrust its promises.

----------oOo----------

Enclosure No. 2 -
With Despatch No.
Habana,

EL PAIS.

Director: D. Ricardo del Monte.

HABANA, JUNIO 18 DE 1896.

POLÍTICA AMBIGUA.

Aunque el Gobierno haya prometido, por medio de una pudibunda frase inserta en el Discurso de la Corona sobre la personalidad del país, que como coronamiento de la pacificación planteará un régimen que en la versión inglesa de ese mismo Discurso que se ha comunicado á la prensa extranjera se llamaba, descorriendo el velo de tanto pudor, "de autonomía," es lo cierto que en el entretanto y á pesar de las seguridades que quieren darse á la opinión, como lo indica el hecho de poner á la nación y al mundo por testigos de la sinceridad de aquella promesa, en la colonia se practica una política totalmente en contradicción con ella.

Si de lo que se trata es de atender á la voluntad del país mediante el reconocimiento de su personalidad, debería empezarse por respetarla en los organismos nacidos de su seno en que naturalmente se revela, como son los partidos que, viviendo dentro de la legalidad, si bien no han surgido al conjuro gubernamental, sino como expresión de la voluntad popular, han recibido de esta el hálito de su vida.

Pero, lejos de tenerse en cuenta su derecho, procédese como si ninguno les asistiera. No se ha declarado oficialmente que haya llegado el momento de correr un velo sobre la estatua de la Ley, no se ha proclamado el imperio absoluto de la dictadura militar, sino que ostensiblemente permanece sujeta á las restricciones de la Ley de orden público; mas las oposiciones no se sienten amparadas en su derecho por la Ley, aunque esta aparezca enhiesta sobre su pedestal.

Todo lo que las oposiciones han ganado en larga serie de años y como resultado de sostenidos esfuerzos electorales, piérdenlo por momentos por la acción gubernamental. No se manifiesta paladinamente que se trata de desposeer á las oposiciones de lo que era suyo, pero estas se sienten despojadas.

Dadas nuestras prácticas gubernamentales, lo que más hay que temer entre nosotros son estos pro-

cedimientos subrepticios. Entre nosotros no se confiesa nunca el abuso por más que llegue á constituir sistema. El pudor gubernamental no consiente que se declaren muchas cosas que se está dispuesto á realizar, ó que se encuentran establecidas ya en la práctica. Ese pudor no consiente, por ejemplo, que el Gobierno llame por su nombre á la autonomía en el texto del Discurso de la Corona que han de leer los nacionales, aunque ese nombre conste en la versión que han de leer los extranjeros. Del mismo modo, por pudor no se declaran en suspenso las leyes protectoras de los derechos políticos de los ciudadanos, pero estos tienen ocasión de convencerse de que esos derechos no pueden ejercitarse prácticamente.

Pero lo que sucede en un régimen de inseguridad en la Ley y de desconfianza en la sinceridad de la política que abiertamente se proclama, es que el escepticismo echa las más hondas raices, por más solemnes que sean las promesas con que se trate de desarraigarlo. Cuando no se cumplen los compromisos y deberes de presente, no puede pedirse confianza en las promesas que se hacen para lo porvenir. El criterio para juzgar una política no está en las palabras con que se preconiza, sino en los hechos con que se confirma: la insinceridad política de hoy no puede engendrar la confianza para lo futuro. Si el Gobierno quiere que se le crea, en vez de palabras, en vez de formas solemnes, dé seguridades de otro orden. Muéstrese respetuoso con el derecho de *todos* en el día, y no se temerá que deje sin cumplir sus promesas. Pero acaso sea esto pedir demasiado á un Gobierno que ha ido tan lejos en su obra de anulación de los partidos liberales, que ya no puede retroceder ahora. No debe, pues, extrañarse de que la opinión liberal vea con recelo sus actos y oiga con desconfianza sus promesas.

ASSISTANT SECRETARY
JUN 27 1896
DEPARTMENT OF STATE

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No. 10. DIPLOMATIC
JUL 21 1896
BUREAU

Rec. to Spain July 21/96

U. S. Consulate General.

Habana. June 25 1896.

Mr. Lee

JUL 17 1896

to the Mr Taisan

Department of State

Transmitting a claim against the Spanish Government, presented by Mrs Juana Mtez C. de Maragliano.

One enclosure.

No. 10.

U. S. Consulate General.
Habana, June 25th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D.C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by ellos. Juana Mª C. de Maragliano, a citizen of the United States, in which is embodied a claim against the Spanish Government to the amount of twenty five

thousand dollars, for damages and losses to her property and interests in this Island.

I am, Sir.

Very respectfully

Your obedient Servant

Consul General.

One enclosure;

Claim referred to

Enclosure No.1.

With Despatch No. 10.

H A B A N A , June 25th,1896.

Copy.

U.S.CONSULATE GENERAL.

H A B A N A.

BE IT KNOWN,that on this 23rd day of June,1896, before me, the undersigned, Consul General of the United States of America at HABANA,personally appeared Mrs.JUANA Ma.C.de MARAGLIANO,and to me personally known,who being duly sworn,did declare and state as follows:

That she is a native of Cuba;51 years of age; resŝding in Guanabacoa,and that she is a citizen of the United States,and acquired said citizenship by long residence in the United States,as is shown by her certificate of naturalization issued by the Superior Court of the City of New York on April 6th, 1883; that she is also duly registered as a citizen in the Register of the U.S.Consulate General at HABANA,No.4278,January 13th,1890 and that she has resided for the past six years in this Island:

That she is the owner of a plantation called "LA LOMA",situated in the district of Sagua la Grande, which she has leased to Mr.MANUEL SANCHEZ; the said estate had three hundred and thirty acres,all planted with growing sugar cane,with the exception of 33 (thirty three) acres of forest or woodland;and the

several divisions or fields were divided off by wire and other good wooden fences;

that on the 18th of July,1895,the place was invaded by the insurgent forces,subjects of Spain in revolt against the Spanish Government in this Island, and the cane fields were all burned by them and the sugar crop destroyed.

that on the 8th of March last,the place was again visited by insurgents,and again set fire to, and on this occasion the fire destroyed even the thirty three acres of woodland,and all the wooden fences remaining;

that she estimates the loss to her property thereby to be not less than twenty five thousand dollars:

WHEREFORE she doth solemnly and publicly protest against the damages and losses occasioned to her property and interests,due to the lack of protection which should have been afforded her by the Spanish Government under which she is living,and to which she pays all the required taxes,and complys with all its laws and regulations; and considers that she is entitled to receive from said Government an indemnity to the said amount of her loss,twenty five thousand dollars,and doth hereby formally make demand and claim upon the said Spanish Government for said amount,with interest thereon until time of payment; and such further relief as may be accorded her.

(Signed) JUANA Ma C.de MARAGLIANO.

United -----

States Consulate General.

H A B A N A .-

BE IT KNOWN, that on this 23rd day of June,1896 before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mrs.JUANA Ma.C.de MARAGLIANO,a citizen of the United States,to me personally known,and known to me to be the person named in the foregoing instrument of the nature of a protest and claim against the Spanish Government,to which she hath subscribed her name,and duly sworn,deposed to the facts therein set forth,which she declares to be true.

WITNESS my hand and the seal of this Consul-
(Seal.) ate General at HABANA,this 23rd day of June,1896.

(Signed) FITZHUGH LEE.

U.S.Consul General.

-----o-----

A true copy.

Consul General.

-----o-----

DIPLOMATIC BUREAU
JUL 17 1896
DEPT. OF STATE

DIPLOMATIC
JUL 21 1896
BUREAU.

ASSISTANT SECRETARY
JUN. 27 1896
DEPARTMENT OF STATE.

No. 11

Mr. Fair

U. S. Consulate General

Habana, June 25 1896.

Mr. Lee,

to the

Department of State.

Jr. to Spain
July 21/96

Transmitting a claim against the Spanish Government, presented by Miss Rosa A. Mazagliano.

One enclosure.

No. 11.

U. S. Consulate General
Habana, June 25 1896.

Hon. William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Miss. Rosa A. Maragliano, a citizen of the United States, in which is embodied a claim against the Spanish Government to the amount of thirty thousand

dollars, for damages and
losses to her property and
interests in this Island.

I am, Sir,

Very respectfully
Your obedient servant

Consul General

Enclosure:

Claim referred to:

Enclosure No.1.

With Despatch No. 11.-

H A B A N A , June 25th,1896.

Copy.

U.S.CONSULATE GENERAL.

H A B A N A .--

BE IT KNOWN, that on this 23rd day of June,1896 before me, the undersigned, Consul General of the United States of America at HABANA,CUBA, personally appeared Miss ROSA A.MARAGLIANO,and to me personally known,who being duly sworn,did declare and state as follows:

That she is a native of the Island of Cuba,33 years of age, single,and a citizen of the United States,which citizenship she acquired by residence therein,as shown by her certificate of naturalization issued by the Court of Common Pleas for the City and County of New York,dated November 4th,1889,and that she is also registered as a citizen in the Register of the U.S.Consulate General Habana, No.4279,January 13th,1890,and that she has resided for the past six years in this Island.

That she is the owner of a plantation called "LA JUANITA",situated near the town of Jaguey Grande, in the district of Matanzas, comprising some one thousand two hundred and three acres of ground,of which about four hundred were planted with growing sugar cane,all new fields,the oldest being but three

years old,and some five or six hundred acres more,which which were divided and fenced off into small farms,k known as "sitios",with houses and other buildings.

All this property was totally destroyed on the 28th or 29th day of Dedember last,by the insurgent forces said to have been commanded by MAXIMO GOMEZ and ANTONIO MACEO,all subjects of Spain in revolt against the Spanish Government on this Island,who set fire to and destroyed cane fields and houses.

That she estimates the loss occasioned to her property thereby,to be not less than thirty thousand dollars.

WHEREFORE she doth solemnly and publicly protest against the damages and losses occasioned to her property and interests,due to the lack of protection which should have been afforded her by the Spanish Government under which she is living and to which she pays all the required taxes,and complys with all its laws and regulations; and considers that she is entitled to an indemnity therefore from the Spanish Government,to the said amount of her loss,thirty thousand dollars,and doth hereby formally make demand and claim upon the said Spanish Government for said amount with interest thereon until time of payment,and such further relief as may be accorded her.

(Signed) ROSA A.MARAGLIANO.

-----o-----

United ----

States Consulate General.

H A B A N A .

BE IT KNOWN,that on this 23rd day of June,1896 before me,the undersigned, Consul General of the United States of America at HABANA, CUBA,personally appeared Miss ROSA A. MARAGLIANO,a citizen of the United States to me personally known,and known to me to be the person named in the foregoing instrument of the nature of a protest and claim against the Spanish Government ,to which she hath subscribed her name,and duly sworn deposed to the facts therein stated which she declares to be true.

WITNESS my hand and the seal of this Consulate
(Seal) General at HABANA,this 23rd day of June,1896.

(Signed) FITZHUGH LEE.

U.S.Consul General.

---o---

A true copy:

Consul General.

---o---

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Secretary of State JUN 29 1896

ASSISTANT SECRETARY JUN 27 1896 DEPARTMENT OF STATE.

No: 12.

U. S. Consulate General,

Habana, June 25/1896

Acknd July 1.

Mr. Lee

to the

Department of State.

Transmitting slip from "London Times".

One enclosure.

Edwards Ledyard
S.D.

No: 12.

U. S. Consulate General
Habana, June 25 1896.

Hon: William W. Rockhill,
Assistant Secretary of State,
Washington.
D. C.

Sir:

I have the honor to transmit herewith, a slip from the "London Times", of the 6' instant, containing a letter written by its correspondent in this Island, which, in my opinion, is, in a great measure, a fair, correct and impartial

statement of the situation
in this Island.

I would be pleased to
have you bring it to the
attention of the Honorable
Secretary of State,

I am, Sir,

Very respectfully
Your obedient servant

Consul General.

One enclosure
Slip from "London Times"

Enclosure No: 1.
With Dispatch No 12 - Habana. June 25 1896.

"London Times."
8 June 6 1896

THE CUBAN REBELLION.

(FROM OUR SPECIAL CORRESPONDENT.)

HAVANA, MAY 23.

Every error made last year in the Spanish method of conducting the campaign in Cuba is now being repeated in an aggravated form. The end of May signals the close of the dry season, and for several months afterwards active military operations will be almost impracticable. A few unimportant skirmishes during the past month mark the total achievements of the Spaniards since my arrival in Cuba. There is not one word to be said in defence of the Spanish generalship. With an army of 175,000 men, unlimited supplies of all kinds, perfect weather, little or no sickness amongst the troops, indeed with everything in his favour, General Weyler has been content to act purely on the defensive and see anarchy and destruction sweep over the whole country. Nor can the excuse be now urged that the rebels are never sufficiently concentrated to allow of any serious engagement taking place. The answer for any such plea of justification is to stand in the midst of the Spanish entrenchments and look towards the mountain ranges in the northern part of the province of Pinar del Rio. Within 18 miles of the centre of the Spanish line the rebel general Antonio Maceo and his army have been encamped since March last. There the rebels lie almost within sight of 60,000 Spanish troops. No pretence is made that the position of Maceo is unknown or in any doubt, indeed a Spanish general pointed out to me the location of the rebel camp. The oft-repeated statement that Maceo cannot cross the Spanish lines has now become wearisome, stale, and unprofitable; no doubt when his own time arrives the insurgent leader will make an attempt to break through the entrenchments, and in the meantime he is content to stay where he is and hold on the defensive more than a third of the Spanish forces. General Weyler has sacrificed all his resources to the one idea of defending the small section of the country in the neighbourhood of Havana, and even this is by no means efficiently done, as is proved by the presence of groups of insurgents, some of these 500 to 1,000 strong, constantly appearing within a few miles of here and between this city and the Spanish intrenchments. Only yesterday one of these groups tore up a section of rails on the Western Railway, cutting the communication between Havana and Artemisa, the headquarters of the Spanish defensive line. From the windows of my hotel I frequently see the sky lurid with the reflection of burning villages and sugar-cane plantations. When the work of destruction is complete a column of troops is sent to the spot only to find that the rebels have moved on elsewhere.

Is it for the pursuance of this anæmic and disastrous policy of military inaction that Spain is called upon to sacrifice her lifeblood? Surely not. Ignorance of the true condition of affairs in Cuba can alone explain the apparent apathy with which the Spaniards at home regard the methods employed in the conduct of this campaign. Spain must awake if she would save herself from ruin and her soldiers from a disgraceful and ignominious defeat in this unhappy struggle. The Spanish people must be up and doing without loss of time or they will find at no very distant date that they have lost Cuba. The time for all hesitation has long passed and the situation is desperate; every nerve must be strained to the utmost if a result favourable to the Spanish arms is to be the final outcome of this fratricidal war. Further dalliance means complete and irretrievable disaster.

We are told by cable from Madrid that 40,000 more troops are to come here in August. It is not more men, but more competent generalship that Spain needs in Cuba. The Spanish army outnumbers that of the rebels in the proportion of four to one; an additional 40,000, or ten times that number, will not help Spain if the present method of conducting the military operations is adhered to.

Maximo Gomez, with a large body of rebels, is again moving westwards. The advanced guard of this force crossed the frontier of the province of Matanzas two days ago, whilst a cloud of skirmishers have already penetrated some 20 miles nearer to Havana. This advanced guard of the rebels is commanded by a prominent Cuban by name Carillo, the right flank by Collazo, the left by Manuel Rodriguez, the main body by Maximo Gomez, and the rearguard by Zayas. The men have been served out with 100 rounds apiece—a much greater supply of cartridges than is usually given, from five to ten being, as a rule, the *maximum* number allowed. The insurgent leader is very reserved as to his object in again marching westward, but the generally accepted interpretation of the movement is that he means to assist Maceo in breaking through the Spanish lines. From the present position of the rebels to this city is a distance of some 200 miles, and it is unlikely they can put in an appearance in this neighbourhood for fully a month to come. No special efforts are being made by the Spanish Commander-in-Chief to check this advance of the enemy, and, if we can judge by past events, Maximo Gomez will be in the outskirts of Havana before any effectual attempt is made to cope with the situation.

That the work of destruction carried on by the rebels is unworthy of the faintest degree of sympathy is patent to all who have followed the course of this disastrous rebellion. But one cannot withhold admiration for the extraordinary knowledge of guerilla tactics and warfare displayed by Maximo Gomez during the past 15 months. With a badly-armed rabble, lacking in supplies of ammunition and war material of every kind, he has marched through districts held by a hundred thousand Spanish troops; he has defied the Spanish generals on all sides, and everywhere shown himself their absolute superior in the strategy adapted to the topography of the country and the conditions prevalent in Cuba. The Spaniards fall into the error of underrating their foe; Maximo Gomez has never yet made such a fatal mistake. Not once have the Spanish forces inflicted a decisive check on the rebels, and the widespread knowledge of this fact makes the movement more popular in the country and more difficult for Spain to suppress as every day slips away.

The economic condition grows daily worse and more acute. In the province of Pinar del Rio the inhabitants have left the country and crowded into the few towns held by Spanish garrisons, or have joined the rebels under Maceo. Poverty and misery are everywhere apparent throughout the length and breadth of Cuba. Havana has not yet felt the full force of the storm, but there are signs on every side to show that the acute stage is rapidly approaching for this once rich and prosperous city. "How long will this last?" is the cry on everybody's lips. Families who were in comfortable and even wealthy circumstances a year ago now wonder where they can obtain the wherewithal to buy the necessaries of life. The number of homeless and hungry is increasing every day. It is truly a period of lamentation and sorrow for all; and, as yet, there is no vestige of a break in the clouds; rather, indeed, the next few months foreshadow naught but famine and pestilence throughout the whole country.

To realize fully how deeply concerned Spain is in the financial and economic condition of Cuba it is necessary to remember that the whole Cuban debt is directly guaranteed by Spain. As far as I can ascertain by statistics published recently the Cuban debt now is:—

Description of debt.	Rate of interest.	Gold Dollars. Amount outstanding.	Gold Dollars. Annual service for interest and sinking fund.
Spanish debt to United States	5 p.c.	$570,000	$28,500
Deuda Amortizable	3 p.c.	179,000	7,135
Cuban Bonds, 1886	6 p.c.	114,410,000	6,008,700
Idem, 1890	5 p.c.	47,690,000	2,861,400
Idem (war expenses), 1895 ..	5 p.c.	122,500,000	7,350,000
Floating debt for Cuban deficit 1895-6, arrears of salaries, and other unpaid obligations. This to be funded at at 5 p.c. and 1 p.c. s.f. ..	5 p.c.	10,000,000	600,000
War expenses, January 1 to May 31, 1896—about	5 p.c.	30,000,000	1,800,000
Total debt now outstanding		$325,349,000	$20,655,785

The total revenue of Cuba in 1893-94, after 15 years of peace, was only $20,492,764.57 ; the expenditure for the same year was $26,230,176.37. After 15 years of peace the military expenditure, in 1893-94, was no less than $8,541,200 ; for the same period the naval expenditure was $1,097,385. If peace were proclaimed to-morrow the condition of Cuba under the existing Spanish *régime*, or with any reforms other than absolute autonomy, would at least double this expenditure on war and marine, in consequence of the disturbing elements created by the rebellion now convulsing the country. The civil administration of Cuba in 1893-94 cost $3,663,909. Now, consider what the annual expenditure for the next few years would be if peace were immediately proclaimed. The charges for the service of the debt, war and marine, and civil administration would be :—

	Gold Dollars.
Public debt	$20,655,785
Military establishment	17,082,400
Naval establishment	2,194,770
Civil establishment	3,663,909
Total	$43,596,864

That this estimate is not excessive is clearly shown by the official returns for the years immediately following the last rebellion. These are for expenditure :—

1878-79	$46,594,683
1880-81	44,035,850

For at least two years from the date of peace being proclaimed the revenue will be fully 50 per cent. lower than in 1893-94, and consequently would average yearly no more than $10,246,382. We have then :—

Expenditure	$43,596,864
Revenue	10,246,382
Annual deficit	$33,350,482

That is to say, for at least two years after an immediate proclamation of peace Spain will be called upon to provide £6,670,000 sterling yearly for meeting expenditure on Cuba. Probably many years must elapse before the reconstruction and development of the now ruined Cuban industries can place them in a sufficiently flourishing state to admit of a revenue being raised that will cover the cost of the public debt, war and marine, and civil administration ; meanwhile, the constantly recurring deficits will have to be paid by the Spanish Treasury. Think for a moment what this means ; then consider if the game is worth the candle. Remember the ruined state of the country. Next year there will be no tobacco from the Vuelta Abaja and little elsewhere, for the cultivators have completely abandoned their farms. The damage done to the sugar industry by the rebellion is so great that it will hardly pay plantation owners to reconstruct their estates in face of the extremely low prices now ruling for their product. I have before me a list of the names and locations of 56 estates on which in normal years the average aggregate output of sugar exceeds 150,000 tons. These plantations, with the machinery and buildings, have been wrecked by the rebels, and may be looked upon as permanently lost. Many more have been destroyed of which I can get no details ; others will follow in the next few months.

With regard to such immediate reforms being granted to Cuba as would cause the rebels to lay down their arms, I feel less sanguine on this subject now than I did on my first arrival. I have recently had many long conversations with Spaniards, discussing the nature and character of such reforms as might bring peace to this island. But Spaniards cannot dissociate Cuba from Spain, and they think that laws which may be admirably adapted for a Spanish province must be equally suitable for Cuba. That mistaken impression must be completely eradicated before any good can be done. Then, again, Spanish people living in Spain do not realize that Spaniards and Cubans are two distinct races, differing in their modes and customs and manner of thinking. This marked difference is one reason for the hatred of Spanish rule expressed by the Cubans. Officials from Spain find themselves completely isolated on their arrival in Cuba. Whatever may have been the custom in former years, there is to-day no social intercourse between the Spanish officials and the Cubans. Hence it happens that the knowledge in Madrid of the state of feeling amongst the Cubans is of the most limited and misleading description.

The decree prohibiting the exportation of leaf tobacco from the provinces of Pinar del Rio and Havana to all countries except Spain was published on May 19. No leaf tobacco from these provinces can be shipped after May 26. Of course, this measure hits hard the buyers from the United States, who have purchased the leaf in the country and are not able to get their property to a seaport before the expiration of the time allowed. The United States Consul-General has protested against the decree, on the ground that it violates treaty rights regarding property of United States citizens, and also as being opposed to the tariff agreements between the two countries. On a broad view of the case, there is small doubt that the Spanish Government is within its right in issuing the decree. Russia prohibits the export of wheat in times of scarcity of that cereal. Germany prohibited the importation of American pork quite recently. The United States put the present high protective duties in force at short notice when the reciprocity treaty with Spain was denounced.

The effect of the decree will be to give more tobacco to the cigar factories in Havana and enable some of these to keep open their doors longer than would otherwise be the case. In this way some distress will be prevented amongst the working class of cigar makers, and this is the justification for the action of the Spanish Government. The mistake in the decree is that Spain was not included in the prohibition in common with all other countries.

"London Times"
June 6th 1896.

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ASSISTANT SECRETARY
JUN 30 1896
DEPARTMENT OF STATE.

No. 14.

U.S. Consulate General

Havana, June 25, 1896.

Mr. Lee

Con. Bur.

To Atkins & Co. 7 July 2.

to the

Department of State.

Referring to Dept's. instruction No. 12 relative to the return of a fine of $7.460, imposed by the custom house of Cienfuegos on Messrs. E. Atkins & Co, of Boston, Mass.

1 Enclosure.

No. 14.

U.S. Consulate General.
Havana, June 25, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to the Depart-
ment's instruction No. 12
of the 13th inst. relative
to the return of a fine
of $7.460, imposed by
the Custom House of Cienfuegos
upon Messrs. E. Atkins
& C. of Boston, Massachusetts,
I now beg to enclose a
translation

1/ translation of a communication dated the 23d instant from the Intendant General of Finance of this Island, informing me that the amount of said fine, condoned by Royal order of March 14 last, has been returned to Messrs. Caciedo & C, agents at Cienfuegos of Messrs. E. Atkins & C.

I am, Sir, very respectfully,
Your obedient servant.
[illegible]
Consul General.

One enclosure:
Translation referred to.

Enclosure No.1 with Despatch No.14. Havana, June 25, 1896.

Translation.

Intendancy General of Finance of the Island of Cuba.

Habana, 23 June, 1896.

To the Consul General of the United States at Havana.

Sir:

The custom house of the province of Santa Clara reports to this Intendancy General under date of the 13th instant as follows:

"Excellency: I have the honor to inform Y .E.
"that Messrs.Cacicedo & Co. have received to-day
"the amount of $7.460, amount of the fine imposed
"on them by the custom house of Cienfuegos for dif-
"ference of weight of certain machinery manifested
"by steamer "Niagara", and which fine was condoned
"by Royal order number 817 of March 14 last. The
"said amount having been returnd to Messrs.Cacicedo
"& Co.in accordance with articles 3 and 4 of the
"Circular issued by that Intendancy on the 3rd of
"August, 1894."

I transmit you the above for your information and in answer to your letter of the 21st May last.

I am etc.

(Signe d) Emilio Fagoaga.

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No. 15.

U. S. Consulate General.
Habana, June 25th 1896.

Mr. Lee

to the

Department of State.

File

Acknowledgement of instructions
Numbers 7. to 14 inclusive

No: 15.

U. S. Consulate General.

Havana, June 25th 1896.

Hon: William W. Rockhill

Assistant Secretary of State.

Washington.

D. C.

Sir:

I beg to acknowledge the receipt of instructions numbers 7. to 14 inclusive, the several matters of which will receive due attention.

Very respectfully

Your obedient Servant

Fitzhugh Lee

Consul General.

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ASSISTANT SECRETARY
JUL 1 1896
DEPARTMENT OF STATE.

No. 16.

U. S. Consulate General.

Havana, June 26, 1896.

M. Lee

Recd July 16.

to the

Department of State.

Reporting the change of the location of the Consulate General.

Enclosure -

No. 16.

U.S. Consulate General.
Havana, June 26, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to inform the Department that immediately upon my arrival here on the 3d instant, I inspected the rooms which since the year 1883, have been occupied in the second floor of the building

building N° 92 Aguiar
street, as the offices of
the consulate general.
For many reasons, both
business and hygienic
I concluded that a
change of location would
be desirable. I found
that the inner portion
of the building, being
roofed over with glass,
completely shut in all
the apartments and
prevented free circulation
of air and pure ventila-
tion.

Moreover, all the
rooms overlooked the
courtyard, partly occupied
by

by a noisy tailor shop,
while the Kitchen in the
rear, daily gave forth
unpleasant odors while
cooking. The ground
floor, and entresol, were
filled with boxes and
machinery, and the
closets from long use
and defective drainage
would frequently become
offensive.

I therefore moved
the Consulate general
into a marble building
three stories in height,
just erected for offices
by the North British and
Mercantile Insurance
Company

Company and situated two blocks nearer the principal business houses. In fact, the important firm of Hidalgo & C, occupies the entire second floor, the ground or first floor is occupied by the offices of the said Insurance Company, and rooms for exchange and sugar brokers &c. &c.

The rooms now occupied by the consulate general, are on the third floor corner, and look out on Obrapia and Cuba streets. The principal room has four windows, two on each street,

street, and the two con-
necting rooms used as
private offices, have,
one a window on
Obrapia street and the
other a window on Cuba
street. The rooms being
higher than any of the
houses opposite or adjoin-
ing, light and ventila-
tion are perfect. Access
to the floor is obtained
by an Otis elevator, and
wide marble stairs. I
enclose a photographic
view of the building in
which I have indicated
the Consular rooms; and
added a plan showing
the

the floor space, and
arrangement of the
offices.

The building is
protected day and night
by a porter in charge, and
each floor has a janitor;
their wages are paid
by the Insurance Company.

While the advantages
of the change are manifest
and the floor space a
little more than that
of the offices vacated,
I have secured the
rooms at the same
rate of rent of $ 100.00 U.S. per
month including
attendance.

I am,

I am, Sir,

Very respectfully,

Your ~~obedient Servant~~,

Fitzhugh Dale

Consul General.

1 Enclosure.

No. 1 - Picture referred to.

the floor space, and
arrangement of the
offices.

The building is
protected day and night
by a porter in charge, and
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I am, Sir,

Very respectfully,

Your ~~obedient Servant~~,

Fitzhugh Dale

Consul General.

1 Enclosure.

No. 1 - Picture referred to.

Per

"Havana"

June 27, 1896.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the backs of which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

DEPT. OF STATE
JUN 27 1896
JUN27,8.10AM1896
CHF. CLKS. OFFICE
RECEIVED

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

Secretary of State
JUN 29 1896

4, 30 pm

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
143	a	n	26	Havana Govt

RECEIVED at Washington D. C. June 27 1896

File

June 27 Hon Richard Olney
Secretary State
Washington D C

No private letters written or opinions on public matters given to any one

Fitzhugh Lee
Consul General

Jidi

INDEX BUREAU
RECD.
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Secretary of State.
1 1896

ASSISTANT SECRETARY
JUN 30 1896
DEPARTMENT OF STATE.

No. 17

U. S. Consulate General

Habana, June 27 1896.

Mr. Lee

Rec'd July 2.

to the

Secretary of State.

Information concerning the situation of the Island.

Rec'd. July 20.

No: 17.

U. S. Consulate General.

Habana, June 27 1896.

Hon: Richard Olney.
Secretary of State
Washington.
D. C.

Sir:

I have the honor to send you the following information concerning the contending forces, which I have obtained from high officials upon the respective sides.

1st. It is re-affirmed that Spain proposes to send

40,000 troops here in August,
40,000, more in September and
10.000 more in following Decem-
ber. The first 40.000 men
to be disembarked at two
or more points on the ex
treme western end of the
Island. in the Pinar del Rio
province, and to be moved
eastward in one or two
columns against Maceo's
position in the Quiza
hills, while at the same
time troops from the Trocha
and sections adjoining
and numbering some 40.000
more march westward with
the same objective point.
Maceo's forces, possibly 9000

men, are already completely surrounded on paper by 80,000 Spanish troops and their capture a certain calculation!

This army of 80,000 men, to which will be added the 40,000 to come in September, and such other troops as can be concentrated for the purpose, will then take up their line of march eastward to find, fight and overthrow Gomez, and as a result, terminate the war. The new troops whose future arrival is claimed, added to the 140,000 now here, will give a Spanish

force of 240.000 soldiers, - or nearly 90.000 more men than than the combined armies of Wellington and Napoleon - at Waterloo, or of Meade and Lee at Gettysburg. From these figures I deduce the fact that there must be opposition to Spanish rule on the Island, and that war is a fact accomplished.

2nd. The calculation made in my last communication that there are 40,000 well armed men in the insurgent army seems correct, as well as their claim that the number will be doubled when more arms and ammunitions

nition are received, and that re-inforcements of men are declined because, without arms, they are impedimental. I hear of seven Hotchkiss guns in their ranks, but that there is a scarcity of ammunition, and this causes them to avoid protracted combats. They have a general officer who commands in each province.

General Aguirre, whose department is the Havana province, is quite active, bodies of his troops reconnoitre close to the town, and I am told, that about a month

ago some 40 men came in
town during the night to a
point but a few squares
from this Consulate

I see nothing in front
but famine and the sword.

Two nights ago, while
seated at a large dinner
party given in the Hotel
Inglaterra by the "Journal"
of New York, in the midst
of the feast, a police officer
appeared with an order
from the Captain General,
directing Mr. Gay, the corres-
pondent of the "New York" World,
one of the guests, "to leave
"the Island by the first steamer
"bound to the United States".

Mr. Gay has received no information of the charges against him, but supposes his expulsion to be the result of his letters to the "World", recounting Spanish atrocities.

As a matter of fact, in every war, each side accuses the other of barbarous acts, sometimes the result of official orders, sometimes the irresponsible brutality of unrestrained soldiery. Some accounts are true, some false. In this war, I am obliged to admit the number of unwarranted atrocities is much greater than the

average general record,

A bad feature of a protracted struggle is the damage to the planting interests of the Island. Tobacco is planted in thirty days, (in August), and gathered in December and January, and "fall cane" seeded in October and November to be ground eighteen months afterwards, but there is no inducement to planters to "pitch crops", as you can readily imagine.

Today, a Frenchman whose partner is an American and who have 15000 acres in bananas, the money value

of whose crop is estimated at
$300.000,- came to inform me
that General Weyler had
prohibited the exportation
of his fruit, because the
vessels might return with
articles contraband of war.
There are two American,
four English and ten or
twelve Norwegian vessels
engaged in that trade from
the port of Baracoa, carry-
ing the fruit to Boston,
New York, Philadelphia
and Baltimore.

I am. Sir,

Very respectfully

Your obedt. Servant

Consul General

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ASSISTANT SECRETARY
JUL 1 1896
DEPARTMENT OF STATE.

Secretary of State
JUL 1 1896

No. 18.

U.S. Consulate General.

Havana, June 27, 1896.

Mr. Lee

to the

Department of State.

Acknd July 2.

Transmitting copy-
translation of an article
in the "Lucha" of the 26th
relative to the issue of
bank notes, of forced
circulation.

1 Enclosure.

Mr. Secretary.

You may wish to see this.

W.R

Acknowledged file R.O.

No. 18.

U.S. Consulate General.

Havana, June 27, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I have the honor to transmit herewith a copy-translation of an article in the "Lucha" of the 26th respecting the displeasure felt by the proposed issue of bank notes, of forced circulation. 1/

When the Royal order, said

said to have been received
by the last Spanish mail,
is published in the Gazette,
I will promptly forward
a copy and translation
of same.

I am, Sir,

Very respectfully,

Your ~~obedient Servant~~,

John S. Lee

Consul General.

1 Enclosure:

No. 1 - Copy translation referred to.

Enclosure No. 1.

With Despatch No. 18.

H A V A N A , June 27 1896.

TRANSLATION.

From LA LUCHA of Havana, June 26, 1896.

---o---

BANK NOTES.

Extraordinary excitement and deep displeasure and discouragement has been created in financial circles of this city, by reason of the resolutions adopted by the Minister of the Colonies, received by the mail steamer "AlfonsoXII", relative to the issue of bank notes; the principal bases of which agree with the information published some time ago by LA LUCHA regarding this important matter.

The Bank will deliver to the Treasury TWELVE MILLIONS of DOLLARS in bank notes (payable in gold) of 1000, 500, 100, 50, 25, 10, 5, 3 and 1 dollar each, and fractions of 50, 10 and 5 cents, receiving from the Government THREE MILLIONS of DOLLARS (SILVER) as a reserve fund, and authorizing it to retain in its COFFERS one third of the public revenues collected, the amount of which will go to reinforce the reserve fund definitively destined to the amortization of the issue.

The Minister will, if necessary, enforce in the

whole Island, the circulation of the bank notes and proposes to do so under terms of which we will say nothing until they are publicly made known.

We will now repeat what we have always said when discussing a matter of so much importance for this country: that it seems to us that the Governor of the Bank has not known how, or has not wished to take into consideration the real economic condition of this country and its causes, and, therefore, his reports must have exercised a pernicious influence on the mind of the Minister of the Colonies.

We are aware that, although somewhat late, our mercantile classes are occupying themselves with these affairs that so much affect them, and perhaps resolutions will be adopted to protect their personal, as well as the general interests of the country and of the Treasury.

Enclosure no. 1
With Despatch no. 18
Havana, June 27, 1896.

LA LUCHA
Habana, viernes 26 de junio de 1896.-

Los billetes

Extraordinaria excitación y profundo disgusto y desaliento han causado ayer en todos los centros mercantiles de esta plaza las resoluciones del Ministro de Ultramar que ha traído el vapor correo *Alfonso XII*, referentes á la emisión de billetes, y cuyas bases principales concuerdan con las noticias publicadas hace tiempo por La Lucha sobre tan importante asunto.

El Banco entregará al Tesoro *doce millones de pesos* en billetes *(oro)* de 1000, 500, 100, 50, 25, 10, 5, 3 y 1 pesos cada uno, y fraccionarios de 50, 10 y 5 centavos, recibiendo del Gobierno *tres millones de pesos (plata) para fondo de reserva*, y autorizándole para retener en sus *Cajas* la tercera parte de las Rentas públicas que recauda, y cuyo importe irá á reforzar el fondo de reserva que en definitiva se destinará á la amortización de la emisión.

El Ministro impondrá, si fuese necesario, en toda la Isla, la circulación forzosa de los billetes y se propone hacerlo en términos sobre los cuales no diremos nada hasta que sean del dominio público.

Ya lo hemos dicho siempre que hemos tratado cuestión tan trascendental para este país, y lo repetimos hoy: nos parece que el Gobernador del Banco no ha sabido ó no ha querido darse cuenta de la verdadera situación económica de este país y de sus causas y, por lo tanto, sus informes han debido ejercer en el ánimo del Ministro una influencia perniciosa.

Sabemos que, aunque algo tarde, nuestras clases mercantiles se ocupan de estos asuntos que tanto les afectan, y acaso se adopten resoluciones que amparen sus intereses al mismo tiempo que los generales del país y los del Tesoro.

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No. 19.

U. S. Consulate General.

Habana, June 27 1896.

Mr. Lee

to the

Department of State.

Confirming telegrams.

No: 19.

U. S. Consulate General.
Habana, June 27 1896.

Hon. William W. Rockhill
Assistant Secretary of State
Washington
D.C.

Sir:

I have the honor to confirm the following telegrams: both addressed to the Hon. Secretary of State:
my cypher telegram of the 25th to the effect that my report might be expected the following Saturday; and one of

Today reading as follows:

" No private letters written
" or opinions on public
" matters given to any one.
" (signed) Fitzhugh Lee.
" Consul General.

I am, Sir,

Very respectfully

Your obedient servant

Fitzhugh Lee

Consul General.

Copied for

Dom.

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE.

Secretary of State.
JUL 8 1896

No. 20

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REC'D.
JUL 6 1896
DEPARTMENT OF STATE

U.S. Consulate General.
Havana, June 30, 1896.

Mr. Lee
to the
Department of State.

Acknd July 13.

R. Rule
R. O.

Complying with Department's instruction No. 13, dated the 18th instant, relative to Mr. Julio Sanguily.

1 Enclosure.

No. 20.

U.S. Consulate General.
Havana, June 30, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have the honor to inform the Department that in compliance with instruction No. 13, dated the 18th instant, to ascertain and report upon the health and welfare of Mr. Julio Sanguily, an American citizen confined in

in the "Cabaña" fortress,
I addressed, on the 25th
instant, a communi-
cation to the Governor
and Captain General,
asking to be informed
in what manner I
should be permitted
to carry out this ins-
truction of my Govern-
ment, and also therein
touched upon the point
of Sanguily's release
upon condition of
leaving the Island.

His Excellency has
replied that the prisoner
is in good health, and
that I may visit him,

or

or any other American
prisoner under confine-
ment, by giving one
day's notice beforehand
so that the prisoner may
be in the guard room
nearest to the entrance
of the fortress at the time
of my visit, which it
is expected will be at
8 a.m.

With respect to Sauquily's
release His Excellency states
that he has no authority
in the matter, as Sau-
quily is now exclusively
subject to the ordinary or
civil jurisdiction. I
accompany a copy-
translation

/ translation of said communication.

I am informed that there is no truth in the report that Mr. Viondi, Sanguily's Counsel, has been ordered to close his office and advised to leave Cuba to avoid expulsion.

I learn from Mr. Viondi that he saw Sanguily last Saturday, and that with the exception of some rheumatism in the shoulder, to which he is subject, his health is good and surroundings comfortable under

under the circumstances.

I am, Sir,
Very respectfully,
Your obedient servant,
Fitzhugh Dall
Consul General.

1 Enclosure:
No. 1 - Copy - translation referred to.

Enclosure No.1
With Despatch No.20.
Ha b a n a, June 30th.1896.

ARMY of the ISLAND of CUBA.

CAPTAINCY GENERAL.

OFFICE of the STAFF.

HAVANA, 28 June, 1896.

To the Consul General of the United States of America.

Sir:

I have received your communication of the 25th instant, in which, upon informing me that your Government instructs you to ascertain the condition, health and welfare of the American citizen Mr. Julio Sanguily, imprisoned at the fortress "Cabaña", you request me to indicate the form of complying with said instructions; and in answer it affords me pleasure to say that I have no notice that any alteration has taken place in the health of the prisoner, because were it so, and notwithstanding he is at the disposal of the ordinary jurisdiction, he would have been transferred to the military hospital of this capital; however, if you desire to make personally the investigation referred to, you may call at the above mentioned fortress for that purpose, notifying the day before hand this Captaincy General or the General Governor of the fortress direct, so as to order in advance that the prisoner be at the guard room nearest to the entrance of said fortress for the object indicated at eight a.m. of the day you may appoint, the same form to be practised whenever you may wish to visit the aforesaid prisoner

or any other American citizen, provided he is not incommunicated (incomunicado).

With reference to the indication of pardon or release expressed in your communication, I have to inform you, supposing exact the statements contained in the note enclosed therein, that from the moment that in consequence of the agreement made between Spain and the United States by the protocol of the 12th of January, 1877, the trial of Sanguily was transferred to the ordinary jurisdiction from that of War, the latter ceased to depend on my authority and he remained exclusively subject to the ordinary Courts, which as I understand have already dictated a condemnatory sentence; for which reason it is not within my power to determine absolutely anything regarding the pardon or release of the American citizen in question.

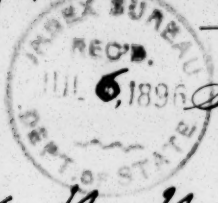
God guard you many years.

(Signed) VALERIANO WEYLER.

Mr Rockhill says "Judge of file"
R.

Consulate General of the United States.

7/6/96 -



Habana, June 30- 1896

Wm W. Rockhill
Esq
My dear Sir:

The last mail brought me the Washington Post & I see that on the 12th of June I addressed to a relative & life long friend in Washington certain things that in given as soon as I ascertained I telegraphed the secretary that I had written no such letter. As a matter of fact I have not written a line to anyone in Washington outside of my Consulate & the Dept: except a private letter to Wm Lamont Esq: of Ohio in

reply done from him & that
week on the 26th June
Steamer —
Is there any way to ascertain
from the "Post" who should
should such a letter & then
impose on them for I do
not credit the Editor willi
knowingly publishing so gross
matter —
I also see a Mr Rogers who
recently left here has been
doing much wild talking
& saying many absurd
things intimating that he
carried similar despatches
to the President & Secretary
from me &c &c — I only
ask Justice at his hands
necessary & say — is not so —
neither his reported accounts

of conversations with me
on public matters -
I had known Mr R. & his
faculty for spreading himself
in the papers - but hope never
been intimate with him -
I write if opportunity offers
you would say as much to
Mr Olney - I never write
in private letters of my own
family or public matters -
& have worried at such
statements -

No particular news today
I saw some fresh arrivals -
I saw 80 to-day - yesterday as they
marched down the street -
& was told they had been taken
from the jail & sentenced
in Spain
uniformed as soldiers &
do not do very hard work
almost always a guard -

Yrs very truly Fitzhugh Lee

Secretary of State.
JUL 8 1896

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE.

No. 21.

INDEX BUREAU
REC'D.
JUL 6 1896
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U.S. Consulate General
Havana, June 30, 1896.

Mr. Lee
to the
Department of State.

Recd. July 18.
To Hon H.C. Brewster
July 15.
A.R. Ft
R.O.

Relative to Mr Joseph L. Capers, an American citizen confined in the prison at Cienfuegos.

1 Enclosure

No. 21.

U.S. Consulate General.
Havana, June 30, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to inform the Department that having received from Mr. Joseph L. Cepero, an American citizen confined in the prison at Cienfuegos, a letter written in Spanish in which he complained of

of ill treatment and
want of consideration
on the part of the prison
authorities, I referred
the letter to our Consul
at that place, for an
investigation, and here-
with accompany a copy
of Mr. McGarr's report
for the information of
the Department.

I am, Sir,
Very respectfully,
Your obedient servant,

Consul General.

One enclosure:
No. 1 - Copy referred to.

Enclosure No.1.

With Despatch No.21.

H A B A N A, June 30th.1896.

Copy.

Consulate of the United States,

Cienfuegos, June 25th.1896.

Fitzhugh Lee, Esq.,

Consul General,

Habana.

Sir:-

I have received your letter of the 19th.inst., enclosing one from Mr.Joseph L.Cepero complaining of his treatment in the Carcel of this city.

I visited Mr.Cepero yesterday and had a full conversation with him in regard to the matter and the facts as stated by him are as follows:-

He is confined with forty other prisoners, in a large room, about 35 feet square, called the galeria, without furniture, though he has a mattrass, pillows etc.on the floor. He complains of this and insists upon a separate room or one with only two or three other occupants.

There are several small rooms in the prison for the accommodation of prisoners able to pay, but the alcaide told me they were all occupied.

Cepero has his meals brought to him twice a day sent by his wife. She and his five children have the privilege of visiting him twice a week - Wednesday and Sunday - and they come on those days and are allowed an hour's private interview on each occasion. He sends and receives letters without any objection on the part of

the prison authorities. His advocate and procurador visit him. He says he and the other prisoners are not allowed the Havana newspapers and that the only paper he has an opportunity of reading is"Las Villas", a very pronounced conservative sheet published here. He is apparently in robust health.

Mr.Cepero impresses me as an exacting man who regards himself as an important personage who is entitled to be treated with special consideration and distinction.

Very respectfully,

Your obedient servant,

(Signed)Owen McGarr.

Consul.

I return Mr.Cepero's letter.